Volume 33, Number 21
Pages 1937–2076
November 3, 2008

SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."

ROBIN CARNAHAN

SECRETARY OF STATE

MISSOURI REGISTER

The *Missouri Register* is published semi-monthly by

SECRETARY OF STATE

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ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO
Subscription fee: $56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER
Office of the Secretary of State
Administrative Rules Division
PO Box 1767
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MISSOURI REGISTER

November 3, 2008

Vol. 33 No. 21 **Pages 1937–2076**

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Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
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November 17, 2008	**December 15, 2008**	December 31, 2008	January 30, 2009
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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at http://www.sos.mo.gov/adrules/pubsched.asp

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	***Code of State Regulations***	**Division**	**Chapter**	**Rule**
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 2—Income Maintenance

EMERGENCY RULE

13 CSR 40-2.390 Transitional Employment Benefit

PURPOSE: This rule establishes the Transitional Employment Benefit. This rule also establishes the circumstances when a family is eligible for the Transitional Employment Benefit payment and the length of time a family qualifies for the Transitional Employment Benefit payment.

*EMERGENCY STATEMENT: This emergency rule will allow immediate support for working families during the transition into employment and loss of eligibility for Temporary Assistance benefits. House Bill 2011 provided funding for this Transitional Employment Benefit in the Department of Social Service's budget. This emergency rule is necessary as a key factor to promote self-sufficiency and job retention for certain families who lose eligibility for Temporary Assistance. Approximately six thousand (6,000) Temporary Assistance cases that close will receive the Transitional Employment Benefit. If this benefit is not received, the former Temporary Assistance case could lose the support needed to ensure a successful transition from welfare to self-sufficiency. The first Transitional Employment Benefits will be issued in November 2008 based on eligibility determined in October 2008, which is the beginning of the federal fiscal year. The rule needs to be in effect when the payments first begin. This rule is necessary to the process of determining the eligibility and payment of the benefit. The department finds a compelling governmental interest and/or a danger to the public health, safety, and/or welfare that requires an early effective date for the rule. This emergency rule supports the former Temporary Assistance families in their efforts to move from welfare to self-sufficiency. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The director believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed September 23, 2008, effective October 3, 2008, for families losing eligibility for Temporary Assistance in October 2008 or later. This rule expires March 31, 2009.*

(1) The Family Support Division shall make payable a fifty-dollar ($50) Transitional Employment Benefit payment to families with earned income who are no longer eligible for Temporary Assistance benefits as defined in 13 CSR 40-2.300 through 13 CSR 40-2.370 due to an increase in income, removal of an earnings disregard or an allowable expense deduction, or a household composition change which causes ineligibility due to income guidelines for Temporary Assistance provided—

(A) The family received Temporary Assistance cash benefits for at least one (1) month;

(B) There is a work-eligible individual, as defined in 45 CFR 261.10, included in the family;

(C) Work-eligible individuals in the family continue to meet the minimum work participation hours as outlined in 42 USC 607.

1. Transitional Employment Benefit work participation hours must be met through employment only.

2. Work participation hours must be reported and verified within ten (10) days of the Temporary Assistance case closing or change in employment;

(D) The family continues to meet all other eligibility requirements contained in 13 CSR 40-2.300 through 13 CSR 40-2.370 with the exception of income; and

(E) The family was eligible for and received Temporary Assistance in October 2008 or later.

(2) The family is eligible to receive the fifty-dollar ($50) Transitional Employment Benefit payment for up to six (6) consecutive months as long as the family meets the requirements in subsections (1)(B) and (1)(C).

(3) There is no limit on the number of times a family may receive Transitional Employment Benefit payments as long as the family loses eligibility for Temporary Assistance as outlined in section (1).

(A) The Transitional Employment Benefit is not included in the sixty (60)-month lifetime limit for Temporary Assistance as referenced in 42 USC 608.

(4) Families who receive Transitional Employment Benefits shall not assign to the Family Support Division on behalf of the state any rights to support from any other person on behalf of any member of the family.

*AUTHORITY: section 207.020, RSMo 2000 and section 208.040.5, RSMo Supp. 2007. This emergency rule filed Sept. 23, 2008, effective Oct. 3, 2008, expires March 31, 2009. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register.* If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

PROPOSED RULE

4 CSR 240-33.170 Relay Missouri Surcharge Billing and Collections Standards

PURPOSE: This rule establishes uniform standards for telecommunications companies and interconnected Voice-over-Internet Protocol service providers to bill, collect, and remit the Relay Missouri Surcharge. The purpose of this surcharge is to generate funding for a statewide dual-party relay system and a statewide telecommunications distribution program as prescribed by sections 209.253 through 209.259, RSMo 2000, and section 209.251, RSMo Supp. 2007.

(1) A telecommunications company providing basic local telecommunications service or an interconnected Voice-over-Internet Protocol service provider shall apply a monthly surcharge to each customer bill as described in this rule. The surcharge shall be identified on the bill as the "Relay Missouri Surcharge" (hereinafter referred to as the surcharge).

(A) The surcharge shall be applied to all of the following lines except as described in subsection (1)(B):

1. Single- and multi-line residential and business access lines;
2. Centrex or private branch exchange lines. One (1) private branch exchange line is counted as one (1) basic access line. The number of Centrex lines per subscriber location subject to the surcharge will equal the number of Centrex stations capable of being used simultaneously;
3. Direct inward dial lines;
4. Company employee concession lines;
5. Voice-grade channels for DS-1 or higher bandwidth facilities; and
6. Interconnected Voice-over-Internet Protocol service lines.

(B) The surcharge shall not be applied on—

1. More than one hundred (100) lines per subscriber per location. For purposes of this rule, location is defined as any building or buildings held under common ownership and located on a contiguous plot of ground and not divided by a city street or public thoroughfare; or
2. Any line used to provide pay telephone service.

(2) The surcharge is exempt from taxes identified in Chapter 144, RSMo 2000, and shall not be construed as gross receipts or revenue collected by the company for the purpose of local taxation.

(3) Pursuant to section 209.257, RSMo 2000, a company shall deduct and retain a certain portion of the total surcharge amount collected each month to recover the billing, collecting, remitting, and administrative costs attributed to the surcharge. The amount a company may retain is known as the "retention amount" and is determined by order of the Missouri Public Service Commission (commission) during a surcharge review. If the monthly amount collected is equal to or less than a minimum flat dollar retention amount set by the commission, the company may simply retain the amount collected from the surcharge. In such situations, the company will not be reimbursed for the difference between the surcharge revenue collected and the minimum retention amount.

(4) After deducting the retention amount described in section (3), the net revenue collected from the surcharge shall be remitted to the commission no later than thirty (30) days after the last day of the calendar month in which the surcharges were collected.

(A) Remittances are deemed delinquent on the thirty-first day after the last day of the calendar month in which the surcharges were collected.

(B) For each calendar month in which the surcharge remittance is delinquent, a telecommunications company shall remit a late payment fee of one and one-half percent (1.5%) per month applied to the surcharge remittance amount owed. For example: If a remittance of two hundred dollars ($200) were due no later than July 1, but was received on September 9, a fee of one and one-half percent (1.5%) would be applied for each month the payment was late, starting on July 2, and applied every month thereafter until remittance. In this example, the amount due would have a one and one-half percent (1.5%) late fee three dollars ($3) applied three (3) times, for July, August, and September, for a total required remittance of two hundred nine dollars ($209).

(C) The commission may, for good cause shown, waive the late fee.

(5) A company shall compile and submit to the commission a monthly Relay Missouri Statement when remitting surcharge revenues pursuant to section (4) above. The form for compiling the Relay Missouri Statement is electronically available on the commission's web site under Relay Missouri Surcharge Information. The Relay Missouri Statement shall include the following information:

(A) The month for which the submitted revenue was collected;

(B) The name of the company as authorized to provide basic local telecommunications service or interconnected Voice-over-Internet Protocol service in Missouri;

(C) The number of lines against which the surcharge was billed;

(D) Total surcharge revenue collected;

(E) The retention amount;

(F) The surcharge revenue remitted to the commission; and

(G) The name and contact information of the responsible person submitting the statement.

(6) If a company does not remit surcharge revenue, the company need not submit the monthly Relay Missouri Statement; however the company shall make such information available to the commission or its staff upon request. This information shall be retained for a two (2)-year time period.

(7) No company shall submit surcharge revenues on another company's behalf without submitting separate Relay Missouri Statement forms for each company, as described in section (5).

(8) All companies shall supply information related to the billing and collection of the surcharge in the company's annual report submitted to the commission. This information will include monthly totals during the calendar year for the revenue collected through the surcharge, the retention amount, and the total surcharge revenue submitted to the commission, if any.

AUTHORITY: sections 209.253, 209.255, 209.257, 209.258, 209.259, 386.040, 386.250, 392.185(1), (2), (3), and (8), and 392.470, RSMo 2000 and section 209.251, RSMo Supp. 2007. Original rule filed Sept. 30, 2008.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than six thousand dollars ($6,000) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Colleen M. Dale, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register*** *and should include a reference to commission Case No. TX-2008-0392. Comments may also be submitted via a filing using the commission's electronic filing and information system at http://www.psc.mo.gov/efis.asp. A public hearing regarding this proposed rule is scheduled for December 3, 2008, at 1:30 p.m. in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule and may be asked to respond to commission questions.*

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: Missouri Department of Economic Development
Division: Missouri Public Service Commission
Chapter: Service and Billing Practices for Telecommunications Billing Practices
Type of Rulemaking: Proposed
Rule Number and Name: 4 CSR 240-33.170 **Relay Missouri Surcharge Billing and Collections Standards**

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification* by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
4	Class A Local Telephone Companies	$0 See IV.6 & 7 below
39	Class B Local Telephone Companies	$2,500 See IV.6 & 8 below
99	Class C Local Telephone Companies	$3,500 See IV.6 & 9 below
0	Class Interexchange Companies	$0
N/A	Class Other	$0
Total Entities: 142	All entities	$6,000

* Class A Telephone Companies are incumbent local telephone companies with more than $100,000,000 annual revenues system wide; Class B Telephone Companies are incumbent local telephone companies with $100,000,000 annual revenues or less system wide; Class C Local Telephone Companies are competitively classified telecommunications companies and Commission certificated Voice over Internet Protocol providers; Class Interexchange Companies are long distance providers.

III. WORKSHEET

1. The proposed rule applies to all local exchange carriers operating in Missouri that provide basic telephone access lines to end users pursuant to Section 209.255.1, RSMo 2000 (Cum. Supp.)

IV. ASSUMPTIONS

1. The life of the rule is estimated to be five years.

2. Fiscal year 2008 dollars were used to estimate costs. No adjustment for inflation is applied.

3. Estimates assume no sudden change in technology that would influence costs.

4. Affected entities are assumed to be in compliance with all other Missouri Public Service Commission and Federal Communications Commission rules and regulations.

5. Estimates are based on input from entities affected by the proposed rule.

6. Pursuant to Section 209.257 RSMo 2000 (Cum. Supp.) all carriers providing basic telephone access services are permitted to deduct a percentage of the Relay Missouri Surcharge revenues they collect as compensation for collecting, managing and remitting the Relay Missouri Surcharge. Pursuant to the Commission's *Order Adopting Relay Missouri Fund Review and Establishing Fund Surcharge* in Case No. TO-2007-0306 those carriers are permitted to retain 1% of the amount collected or $30, whichever is greater, as compensation for their collection and management efforts of the Relay Missouri Surcharge revenues.

7. Of the four Class A entities none indicated there would be a cost to implement the rule.

8. One of the 39 Class B entities provided an estimate indicating their on-going, annual cost to implement the rule would be less than $500 (or less than $2,500 over the five-year life of the rule).

9. Of the 99 Class C entities, only one estimated an on-going cost (of $50 per month or $3,000 over the five-year life of the rule) and another carrier, one that provides VoIP services, indicated it would experience an initial cost exceeding $500. This estimate does not include a fiscal impact to non-certificated or unregistered VoIP providers since the Commission cannot identify non-certificated or unregistered entities.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 30—Division of Administrative and Financial Services
Chapter 261—School Transportation

PROPOSED AMENDMENT

5 CSR 30-261.025 Minimum Requirements for School Bus Chassis and Body. The State Board of Education is proposing to amend section (1) and the incorporated by reference material.

PURPOSE: This amendment is a result of a change to the National School Transportation Specifications and Procedures and the Federal Motor Vehicle Safety Standards and a recommendation from the Missouri Minimum Standards for School Buses Committee. The amendment will enhance the safety of schoolchildren being transported in school buses.

(1) The *[2007] Missouri Minimum Standards for School Buses[,]* **(revised September 2008)** is hereby incorporated by reference and made a part of this rule as published by the Department of Elementary and Secondary Education, School *[Governance]* **Administrative Services**, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions. The *[2007] Missouri Minimum Standards for School Buses* reflects the changing needs of pupil transportation in Missouri, changes in the national specifications for school buses**,** and federal motor vehicle safety standards. The changes will enhance the safety of schoolchildren being transported in school buses.

*AUTHORITY: **section 161.092, RSMo Supp. 2007 and** section 304.060, RSMo 2000. This rule was previously filed as 5 CSR 40-261.025. Original rule filed Feb. 23, 1981, effective Oct. 1, 1981. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 22, 2008.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Roger Dorson, Coordinator, School Administrative Services, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

PROPOSED AMENDMENT

10 CSR 10-5.381 On-Board Diagnostics Motor Vehicle Emissions Inspection. The commission proposes to amend sections (1), (2), and (4); and amend subsections (3)(A)–(F), (3)(H), (3)(J)–(N), (5)(A), (5)(B), and (5)(D). The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/ruleindex.htm.

PURPOSE: This rule enacts the provisions of sections 643.300–643.355, RSMo and meets the 1990 Federal Clean Air Act Amendments requirement that the ozone state implementation plan contains necessary enforceable measures to maintain the mandatory vehicle emissions inspection and maintenance program. The purpose of this rulemaking is to clarify the exemption, inspection station, vehicle inspection, and waiver requirements of the rule. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, are the February 6, 2008, Missouri State Highway Patrol–Missouri Department of Natural Resources conference call notes, the March 17, 2008, Department of Revenue–Department of Natural Resources–Missouri State Highway Patrol meeting summary, and section 643.340 of the Missouri revised statutes.

(1) Applicability.

(A) Except as provided in subsection (1)(B) of this rule, subject vehicles include all vehicles operated on public roadways in the geographical area containing the City of St. Louis and the counties of Franklin, Jefferson, St. Charles, and St. Louis, and which are—

1. Registered in the area with the state of Missouri Department of Revenue **(MDOR)**;

2. Leased, rented, or privately owned and are not registered in the geographical area but are primarily operated in the area. A vehicle is primarily operated in the area if at least fifty-one percent (51%) of the vehicle's annual miles are in the area;

3. Owned or leased by federal, state, or local government agencies, and are primarily operated in the geographical area, but are not required to be registered by the state of Missouri; or

4. Owned, leased, or operated by civilian and military personnel on federal installations located within the geographical area, regardless of where the vehicles are registered.

(B) The following vehicles are exempt from this rule:

1. Heavy duty gasoline-powered and heavy duty diesel-powered vehicles **that receive a Gross Vehicle Weight Rating (GVWR) exemption described in subsection (4)(I) of this rule**;

2. Light duty gasoline-powered vehicles and trucks manufactured prior to the 1996 model year and light duty diesel-powered vehicles and trucks manufactured prior to the 1997 model year;

3. Motorcycles and motortricycles;

4. Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline, ethanol (E10 and E85), or diesel;

5. Motor vehicles registered in an area subject to the inspection requirements of sections 643.300 to 643.355, RSMo, that are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, RSMo, *[if the vehicle is granted]* **that receive** an *[Out of Area waiver]* **out of area exemption** described in *[paragraph (3)(K)6.]* **subsection (4)(J)** of this rule;

6. New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two (2) years of such calendar year, that have an odometer reading of *[less]* **fewer** than six thousand (6,000) miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user;

7. New motor vehicles that have not been previously titled and registered, for the four (4)-year period following their model year of manufacture, *[provided that the odometer for such motor vehicles has]* **that have an odometer reading of** fewer than forty thousand (40,000) miles showing at the first required biennial safety inspection**.** *[conducted under sections 307.350 to 307.390, RSMo]* **These vehicles qualify for a mileage-based exemption described in subsection (4)(H) of this rule**. Otherwise, such motor

vehicles shall be subject to the emissions inspection requirements of subsection (3)(B) of this rule during the same period that the biennial safety inspection is conducted;

8. Motor vehicles that are driven fewer than twelve thousand (12,000) miles between biennial safety inspections **that receive a mileage-based exemption described in subsection (4)(H) of this rule**.

A. Prior to October 1, 2009, *[Written]* **handwritten MVI-2 safety inspection forms** or printed *[proof of this exemption]* **safety Vehicle Inspection Reports (VIRs)** shall be provided by the owner to the *[Department of Revenue]* **department**.

*[A.]***(I)** The proof of exemption from the emissions inspection requirement shall consist of two (2) vehicle safety inspection reports issued to the owner of the vehicle being exempted.

*[B.]***(II)** The first safety inspection report shall have been issued during the vehicle's previous **biennial** safety inspection. The second safety inspection report shall have been issued **during the current biennial inspection cycle, performed** within the sixty (60) days of the owner's registration request.

*[C.]***(III)** *[Both]* **Each** vehicle safety inspection report*[s]* must document the odometer reading at the time of the vehicle's **biennial** safety inspections, and the difference between these two (2) odometer readings shall be no greater than eleven thousand nine hundred *[and]* ninety-nine (11,999)*[;]***.**

B. Beginning October 1, 2009, this exemption shall be issued automatically by licensed emissions inspection stations using the contractor's Missouri Decentralized Analyzer System (MDAS) equipment and lane software;

9. Historic motor vehicles registered pursuant to section 301.131, RSMo;

10. School buses;

11. Tactical military vehicles; *[and]*

12. Visitor, employee**,** or military personnel vehicles on federal installations provided appointments do not exceed sixty (60) calendar days*[.]***; and**

13. Specially constructed vehicles.

(2) Definitions.

(A) Business day—All days, excluding Saturdays, Sundays, and **state** holidays, that an inspection station is open to the public.

(B) Clean scanning—The illegal act of connecting the On-Board Diagnostics (OBD) cable or wireless transmitter to the data link connector of a vehicle other than the vehicle photographed and identified on the emissions VIR for the purpose of bypassing the required OBD test procedure.

*[(B)]***(C)** Compliance cycle—The two (2)-year duration during which a subject vehicle in the enhanced emissions inspection program area is required to comply with sections 643.300–643.355, RSMo.

1. For private entity vehicles, the compliance cycle begins sixty (60) days prior to the subject vehicle's registration **and biennial license plate tab** expiration.

2. For public entity vehicles, the compliance cycle begins on January 1 of each even-numbered calendar year. The compliance cycle ends on December 31 of each odd-numbered calendar year.

*[(C)]***(D)** Contractor—The state contracted company who shall implement the decentralized motor vehicle emissions inspection program as specified in sections 643.300–643.355, RSMo, and the state contracted company who shall implement the acceptance test procedure.

*[(D)]***(E)** Department—The Missouri Department of Natural Resources, the state agency responsible for oversight of the vehicle emissions inspection and maintenance program that is required by the 1990 Federal Clean Air Act Amendments.

*[(E)]***(F)** Data Link Connector (DLC)—The terminal required to be installed on all On-Board Diagnostics (OBD) equipped vehicles that allows communication with a vehicle's OBD system.

*[(F)]***(G)** Diagnostic Trouble Code (DTC)—An alphanumeric code consisting of five (5) characters which is stored by a vehicle's On-Board Diagnostics system if a vehicle malfunctions or deteriorates in such a way as to potentially raise the vehicle's tailpipe or evaporative emissions more than 1.5 times the federal test procedure certification limits. The code indicates the system or component that is in need of diagnosis and repair to prevent the vehicle's emissions from increasing further.

*[(G)]***(H)** Emissions inspection—Tests performed on a vehicle in order to evaluate whether the vehicle's emissions control components are present and properly functioning.

*[(H)]***(I)** Gross Vehicle Weight Rating (GVWR)—The value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

*[(I)]***(J)** Ground-level ozone—A colorless, odorless gas formed by the mixing of volatile organic compounds and oxides of nitrogen from stationary and mobile pollution sources in the presence of heat and sunlight. Ground-level ozone is a strong oxidizer that negatively affects human health by causing diminished lung function in both healthy individuals and those with pre-existing respiratory problems.

*[(J)]***(K)** Heavy Duty Vehicle (HDV)—Any motor vehicle rated at eight thousand five hundred one (8,501) pounds GVWR or more.

*[(K)]***(L)** Initial emissions inspection—An emissions inspection consisting of the inspection series that occurs the first time a vehicle is inspected in a compliance cycle.

*[(L)]***(M)** Licensed emissions inspection station—Any business that has met the licensing requirements **described in this rule** and been licensed to offer vehicle emissions inspection services on behalf of the department.

*[(M)]***(N)** Licensed emissions inspector—Any individual that has met the licensing requirements **described in this rule** and been licensed to conduct vehicle emissions inspections on behalf of the department.

*[(N)]***(O)** Light Duty Truck (LDT)—Any motor vehicle rated at eight thousand five hundred pounds (8,500) GVWR or less which has a vehicle curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is—

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle;

2. Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or

3. Available with special features enabling off-street or off-highway operation and use.

*[(O)]***(P)** Light Duty Vehicle (LDV)—A passenger car or passenger car derivative capable of seating twelve (12) passengers or less that is rated at six thousand (6,000) pounds GVWR or less.

*[(P)]***(Q)** Malfunction Indicator Lamp (MIL)—An amber-colored warning light located on the dashboard of vehicles equipped with On-Board Diagnostics systems indicating to the vehicle operator that the vehicle either has a malfunction or has deteriorated enough to cause a potential increase in the vehicle's tailpipe or evaporative emissions.

(R) Missouri Decentralized Analyzer System (MDAS)—The emissions inspection equipment that is sold by the state's contractor to licensed emissions inspection stations. The department may approve alternative equipment if the equipment described in this subsection is no longer available. At a minimum, the vehicle emissions inspection equipment shall consist of the following contractor equipment package:

1. At least a seventeen-inch (17") Liquid Crystal Display (LCD) monitor;

2. Universal serial bus (USB) lane camera;

3. At least a 4.0 megapixel digital camera and dock;

4. Fingerprint scanner;

5. Two hundred fifty-six (256) megabyte USB flash drive;

6. Keyboard with plastic keyboard cover and optical mouse;

7. Printer with ink or toner cartridges and blank paper;

8. 2D barcode reader;

9. Windshield sticker printer with blank windshield stickers and thermal cartridge;

10. OBD vehicle interface cable with a standard Society of Automotive Engineers J1962/J1978 OBD connector;

11. OBD verification tool;

12. Low-speed or high-speed Internet connection capabilities;

13. Surge protector and uninterruptible power supply (UPS);

14. At least a 3.0 gigahertz (GHz) personal computer (Dell™ Pentium® 4 or equivalent), with Windows Vista® and one (1) gigabyte of Random Access Memory (RAM); and

15. Metal cabinet to hold all of the components described in this subsection of the rule.

(S) Missouri Department of Revenue (MDOR)—The state agency responsible for the oversight of vehicle registration at contract offices and via the Internet. MDOR is also responsible for the registration denial method of enforcement for the vehicle emissions inspection and maintenance program.

*[(Q)]***(T)** Missouri State Highway Patrol (MSHP)—The state agency responsible for the oversight of the vehicle safety inspection program and joint oversight with the department of the vehicle emissions inspection and maintenance program.

*[(R)]***(U)** On-Board Diagnostics (OBD)—A vehicle emissions early-warning system required by federal law to be installed on all light-duty 1996 and newer model year vehicles for sale in the United States. The OBD system monitors sensors *[attached to all]* **and** emissions-control related components on a vehicle to ensure that the emissions control system operates properly throughout a vehicle's lifetime. If **one (1) or more components of** the emissions control system malfunctions or deteriorates, the OBD system will illuminate the Malfunction Indicator Lamp and store one (1) or more Diagnostic Trouble Codes.

*[(S)]***(V)** On-Board Diagnostics (OBD) test—A test in which a vehicle's OBD system is connected to a hand-held tool or computer **that an inspector uses to determine and/or collect and record** *[capable of determining]*—

1. *[Vehicle signature information, including, but not limited to, the electronic vehicle identification number (VIN) and other unique parameter identifiers;]* **The status of the OBD system's MIL when the vehicle engine is off and when the vehicle engine is running;**

2. *[If the OBD system's readiness monitors have been set;]* **Data link connector access and functionality and OBD communication;**

3. *[If the MIL is functioning correctly; and]* **Vehicle signature information, including, but not limited to, the electronic vehicle identification number (VIN) and other unique parameter identifiers;**

4. *[If the OBD system has stored any DTCs that are commanding the MIL to be illuminated.]* **The status of all of the OBD system's readiness monitors;**

5. The OBD system's MIL command status; and

6. Any DTCs, including those that are commanding the MIL to be illuminated.

*[(T)]***(W)** Qualifying repair—Any repair or adjustment performed on a vehicle's emissions control system after failing an initial emissions inspection, that is reasonable to the test method failure. **A qualifying repair is submitted as part of a cost-based waiver application and must document, to the department's satisfaction, the diagnostic testing or analysis method used by the person performing the repair.** Repairs performed by a repair technician that were not authorized by the vehicle owner's signature *[on a repair receipt will]* **or verbal consent may** not be considered a qualifying repair. The qualifying repair must be performed within ninety (90) days *[of]* **after** the date of initial emissions inspection. **The initial or subsequent emissions reinspection should support the necessity of the qualifying repair.** The qualifying repair may consist of either—

1. The parts costs, spent by a vehicle owner or charged to a vehicle owner by a repair technician, that are appropriate for the type of emissions inspection failure; or

2. The parts and recognized labor costs, charged to a vehicle owner by a Recognized Repair Technician, that are appropriate for the type of emissions inspection failure.

*[(U)]***(X)** Readiness monitor—A design feature of On-Board Diagnostics systems. If a readiness monitor has been set, then the OBD system has completed a diagnostic check on that component. If a readiness monitor has not been set, then the OBD system has not completed a diagnostic check on that component.

*[(V)]***(Y)** Recognized labor costs—The labor costs that a Recognized Repair Technician charges for emissions repair services rendered to a vehicle that fails its emissions inspection. **Labor costs not tied to an emissions repair or solely for the purposes of setting readiness monitors may not be considered qualifying repairs.**

*[(W)]***(Z)** Recognized Repair Technician—Any person who—

1. Is professionally engaged full-time in vehicle repair or employed by an ongoing business whose purpose is vehicle repair. A Recognized Repair Technician may only be recognized by the department at one (1) place of employment;

2. Has valid certifications from the National Institute for Automotive Service Excellence (ASE) in Electrical Systems (A6), Engine Performance (A8), and Advanced Engine Performance Specialist (L1) that have not expired; and

3. Has not been reported by the department to the attorney general for unlawful merchandising practices according to subsection 643.330.*[5]***4**, RSMo.

(AA) Specially constructed vehicle—A motor vehicle that has not been originally constructed under a distinctive name, make, model, or type by a manufacturer of motor vehicles, that has been issued a specially constructed VIN number from the MDOR, and that has had the specially constructed VIN installed by the MSHP. The term specially constructed vehicle includes kit vehicles that are motor vehicles assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin.

(BB) Vehicle Inspection Database (VID)—The vehicle inspection database, operated and maintained by the department's contractor. All vehicle emissions inspection information is uploaded by the MDAS inspection equipment to the VID on a real time basis as soon as each inspection is complete.

(CC) Vehicle Inspection Report (VIR)—The vehicle inspection report printed by the MDAS inspection equipment at the conclusion of each vehicle's emissions inspection. The VIR is designed solely to provide information regarding the emissions inspection results to motorists, and may not be valid for vehicle registration purposes.

*[(X)]***(DD)** Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Subject Vehicle Compliance.

1. Private entity vehicle compliance.

A. Motor vehicles subject to this rule shall demonstrate compliance with emissions standards in this rule. Such demonstration shall be made through the test methods specified in section (5) of this rule and be completed according to the compliance cycle specified in paragraph (2)*[(B)]***(C)**1. of this rule, the inspection intervals specified in subsection (3)(B) of this rule, and the inspection periods specified in subsection (3)(C) of this rule.

B. Completion of the emissions inspection requirements is necessary for vehicle registration renewal, or registration transfer.

C. Failure to complete a vehicle emissions inspection during the compliance cycle or before vehicle registration shall be a violation

of this rule. These violations are subject to penalties specified in *[sub]*section 643.355.5, RSMo.

2. Public entity vehicle compliance.

A. All subject vehicles owned by federal, state**,** and local governments shall be emissions inspected according to the compliance cycle specified in paragraph (2)*[(B)]***(C)**2. of this rule and the inspection intervals specified in subsection (3)(B) of this rule.

B. All federal agencies shall ensure employee and military personnel vehicles meet the requirements of *[this subsection]* **paragraph (3)(A)2.** according to the December 1999 *Interim Guidance for Federal Facility Compliance With Clean Air Act Sections 118(c) and 118(d) and Applicable Provisions of State Vehicle Inspection and Maintenance Programs*. This guidance document is incorporated by reference in this rule, as published by the U.S. Environmental Protection Agency (EPA), Office of Transportation and Air Quality, 2000 Traverwood, Ann Arbor, MI 48105. This rule does not incorporate any subsequent amendments or additions to this guidance document.

C. Failure to complete a vehicle emissions inspection within the compliance cycle specified in paragraph (2)*[(B)]***(C)**2. of this rule shall be a violation of this rule. These violations are subject to penalties specified in *[sub]*section 643.355.5, RSMo.

3. Vehicle fleets.

A. Vehicle fleets of any size may be emissions inspected by the fleet operator, provided the owners or operators of such vehicle fleets acquire the state contractor's equipment to conduct the emissions inspections.

B. Vehicle fleets using such equipment shall be subject to the same inspection requirements as non-fleet vehicles.

C. Fleet inspection facilities shall be subject to quality assurance evaluations at least as stringent as those performed at public inspection stations.

D. Fleet owners or operators may make repairs to fleet vehicles on-site.

(B) Emissions Inspection Intervals.

1. Subject vehicles, manufactured as odd-numbered model year vehicles are required to be inspected in each odd-numbered calendar year. Subject vehicles manufactured as even-numbered model year vehicles are required to be inspected in each even-numbered calendar year.

2. At the time of registration transfer, subject vehicles are required by *[sub]*section 643.315.1, RSMo**,** to be inspected regardless of the vehicle model year. At the time of registration transfer, prior to the sale of a vehicle, **private** sellers of vehicles are required to provide the purchaser with an emissions inspection compliance certificate or compliance waiver that is valid for registering the vehicle according to inspection period requirements of subsection (3)(C) of this rule. *[Vehicles being sold shall not be subject to another emissions inspection for ninety (90) days after the date of sale or transfer of such vehicle.]*

(C) Emissions Inspection Periods.

1. An emissions inspection performed on a subject vehicle via the vehicle inspection process described in subsections (3)(H)–(K) of this rule is valid, for the purposes of obtaining registration or registration renewal, for a duration of sixty (60) days from the date of passing inspection or waiver issuance. **An emissions inspection provided by a licensed motor vehicle dealer to the purchaser of a used vehicle being sold by the licensed motor vehicle dealer is valid for registration purposes for one hundred twenty (120) days after the date of inspection. Vehicles being sold shall not be subject to another emissions inspection for ninety (90) days after the date of sale or transfer of such vehicle.**

2. Reinspections occurring fewer than ninety (90) days after the initial emissions inspection are subject to subsections (3)(J) and (3)(K) of this rule.

3. Reinspections occurring more than ninety (90) days after the initial emissions inspection shall be considered to be an initial emissions inspection as defined in subsection (2)*[(K)]***(L)** of this rule and are subject to subsection (3)(H) of this rule.

(D) Emissions Inspection Fees.

1. **Initial vehicle emissions inspection fee.** At the time of an initial emissions inspection, the vehicle owner or driver shall pay no more than twenty-four dollars ($24) to the licensed emissions inspection station. The inspection station shall determine the forms of payment accepted. **Fleet operators inspecting their own fleet vehicles at their own inspection facility are exempt from initial vehicle emissions inspection fees.**

2. **Vehicle emissions reinspection fee.** *[This]* **Each initial vehicle emissions** inspection fee shall include one (1) free reinspection, provided that the reinspection is conducted within twenty (20) business days of the initial emissions inspection at the same inspection station that performed the initial inspection.

A. To qualify for one (1) free reinspection, the vehicle owner or driver shall present the previous VIR and the completed repair data sheet, described in subsection (4)(D) of this rule, to the emissions inspection station that conducted the initial emissions inspection, within twenty (20) business days of the initial emissions inspection. The emissions inspector shall return the previous VIR to the vehicle owner.

B. At the emissions inspection station's discretion, reinspections occurring more than twenty (20) business days after the initial emissions inspection may be performed upon payment of the initial emissions inspection fee to the emissions inspection station.

C. Fleet operators reinspecting their own fleet vehicles at their own inspection facility are exempt from vehicle emissions reinspection fees.

3. **Emissions inspection oversight fee.**

A. Licensed emissions inspection stations shall pre-pay the state two dollars and fifty cents ($2.50) for each *[paid]* **passing** emissions inspection that they intend to perform. The fee shall be paid to the Director of Revenue and submitted to the MSHP. The MSHP shall deposit the fee into the "Missouri Air Emissions Reduction Fund" as established by section 643.350, RSMo. The MSHP will then *[notify the contractor, who will authorize the inspection equipment to release the number of paid emissions inspections pre-paid by each licensed emissions inspection station.]* **use the contractor's VID to credit the number of pre-paid emissions inspections to the licensed emissions inspection station's MDAS. The MDAS shall deduct one (1) emissions credit authorization for each passing emissions inspection.**

B. Licensed inspection stations are required to maintain a sufficient positive quantity of emissions credits on their analyzer(s) to prevent having to turn away motorists who have requested an inspection.

C. At the time that a licensed emissions inspection station discontinues operation or chooses not to renew its emissions inspection license, the department will issue the licensed emissions inspection station a full refund of two dollars and fifty cents ($2.50) for each paid emissions inspection credit authorization that remains on the licensed emissions inspection station's MDAS. The department shall withdraw the pre-paid fees from the "Missouri Air Emissions Reduction Fund" as established by section 643.350, RSMo, and send the existing balance of the pre-paid fees to the licensed inspection station. The MSHP will then delete all pre-paid emissions inspections from the inspection equipment.

4. Vehicle inspection database (VID) service fee. Licensed emissions inspection stations shall pay the contractor three dollars and forty-five cents ($3.45) for each paid emissions inspection that they perform. The fee shall be made payable to the contractor and submitted monthly according to the terms of the contract between the contractor and the licensed emissions inspection stations.

(E) Emissions Inspection Equipment.

1. Performance features of emissions inspection equipment.

[Computerized inspection equipment] **The MDAS** is required for performing any *[measurement]* **emissions inspections** on subject vehicles. The *[inspection equipment]* **MDAS** shall meet or exceed all applicable EPA requirements. *[Newly acquired emissions inspection equipment shall be subject to the acceptance test procedures administered by the department's contractor to ensure compliance with the emissions inspection program specifications.]*

A. *[Emissions inspection equipment]* **The MDAS** shall be capable of testing all subject vehicles as required by paragraph (3)(E)3. of this rule. The emissions inspection equipment shall be updated as needed to accommodate new technology vehicles. The updates shall be provided by the state's contractor without cost to the state or the licensed emissions inspection stations.

B. At a minimum, *[emissions inspection equipment]* **the MDAS** shall be:

(I) Automated to the highest degree commercially available to minimize the potential for intentional fraud and/or human error;

(II) Secure from tampering and/or abuse; and

(III) Based upon written specifications.

2. Functional characteristics of *[computerized test systems]* **emissions inspection equipment**. The *[test system]* **MDAS** shall be composed of *[motor]* vehicle *[test]* **inspection** equipment controlled by a computer.

A. The *[test system]* **MDAS** shall automatically:

(I) Make pass/fail decisions for all *[measurements]* **computer-determined aspects of the emissions inspection as described in paragraphs (5)(B)3. through (5)(B)5. of this rule**;

(II) Record test data to *[an electronic medium]* **the MDAS hard drive and the contractor's VID**;

(III) Conduct regular self-testing of recording accuracy;

(IV) Perform electrical calibration and system integrity checks before each test, as applicable; and

(V) Initiate immediate system lockouts for—

(a) Tampering with security aspects of the *[test system]* **MDAS**;

(b) Fraudulent *[testing]* **inspection** activity; *[or]*

(c) *[For a full data recording medium.]* **Exceeding the limit of offline emissions inspections established by the department and the MSHP; or**

(d) Failing the OBD verification tool self-check.

B. *[Test systems]* **The MDAS** shall include a telecommunications data link to the contractor's Vehicle Inspection Database (VID) as specified in the contract between the department and the contractor. Emissions inspection information shall be uploaded **immediately** to the VID via this telecommunications data link according to subparagraphs (3)(F)2.C. and (3)(F)5.D. of this rule **so that all inspection information can be electronically verified by the department, the MSHP, and the MDOR using the contractor-provided Internet solution**.

C. The *[test system]* **MDAS** shall ensure accurate data collection by limiting, cross-checking, and/or confirming manual data entry.

3. OBD test equipment. OBD test equipment shall meet the standards specified in 40 CFR part 85, subpart W, section 2231. Section 2231 is incorporated by reference in this rule, as published by the EPA, Office of Transportation and Air Quality, 2000 Traverwood, Ann Arbor, MI 48105 on April 5, 2001. This rule does not incorporate any subsequent amendments or additions to section 2231. The OBD test equipment shall be able to communicate with all known OBD protocols and connect to and communicate with a minimum of ninety-eight percent (98%) of all subject vehicles.

4. All emissions inspection equipment shall meet the quality control requirements described in paragraph (3)(L)5. of this rule. **Newly acquired emissions inspection equipment and all applicable MDAS software updates shall be subject to the acceptance test procedures administered by the department's contractor to ensure compliance with the emissions inspection program specifications.**

(F) Emissions Inspection Station Requirements.

1. Premises.

A. Each licensed emissions inspection station shall have an **emissions** inspection area within an enclosed building of sufficient length, width**,** and height to accommodate a full size light duty vehicle or light duty truck.

B. The licensed emissions inspection station shall be in compliance with applicable city, county**,** and state regulations relating to zoning, merchant licensing, fictitious names**,** and retail sales tax numbers.

C. The emissions inspection area shall be sufficiently lighted, adequately heated and cooled**,** and properly ventilated to conduct an emissions inspection.

2. Equipment. Each licensed emissions inspection station shall have the following equipment located at or near the inspection area:

A. Scraper. The scraper may be used to remove old windshield stickers;

B. Emissions inspection equipment, including hardware, software, forms, and windshield stickers. The equipment **hardware described in subsection (2)(R) of this rule** shall be purchased or leased by the inspection station from the state's contractor**. All of the equipment must be present and functional. The equipment software shall be provided with the MDAS equipment purchase or lease and updated periodically at no cost to the licensed inspection stations. The forms described in section (4) of this rule shall be provided by the MDAS software. The windshield stickers described in section (4) of this rule shall be provided by the contractor at no cost to licensed emissions inspection stations**; and

C. Telecommunications. The station shall provide **dedicated** data transmission capabilities for the emissions inspection equipment **to stay online with the contractor's VID**. The telecommunications capabilities may be either high-speed or low-speed. The cost of this telecommunications service**, including initial installation and ongoing maintenance,** is the responsibility of the licensed emissions inspection station.

3. Personnel.

A. Each licensed emissions inspection station shall have a minimum of one (1) licensed emissions inspector on duty during all business days during the station's hours of inspection, except for short periods of time due to illness or annual vacation.

B. Each licensed emissions inspection station will designate, on the station license application, the emissions inspection station manager who will be in charge of emissions inspections. The emissions inspection station manager shall be responsible for the daily operation of the station and will ensure that complete and proper emissions inspections are being performed. The emissions inspection station manager shall be present at the licensed emissions inspection station during all business days during the station's hours of inspection, except for short periods of time due to illness or annual vacation.

C. If the station is without at least one (1) emissions inspector or one (1) emissions inspection station manager, then the station shall be prohibited from conducting emissions inspections.

4. Licensing.

A. Any person, firm, corporation, partnership**,** or governmental entity requesting an emissions inspection station license shall submit a completed emissions inspection station application to the department or to the MSHP.

B. A vehicle emissions inspection station license shall be valid for twelve (12) months from the date of issuance. A completed emissions inspection station license application shall be accompanied by a check or money order for one hundred dollars ($100) made payable to the Director of Revenue and submitted to either the Missouri Department of Natural Resources, Air Pollution Control Program, Attn: Inspection and Maintenance, PO Box 176, Jefferson City, MO 65102-0176 or the MSHP. Under no circumstances will cash be accepted for the license fee.

C. For the purposes of emissions and safety inspection

license synchronization, a vehicle emissions inspection station license may be valid for fewer than twelve (12) months from the date of issuance. A completed emissions inspection station license application shall be accompanied by a check or money order made payable to the Director of Revenue and submitted to either the Missouri Department of Natural Resources, Air Pollution Control Program, Attn: Inspection and Maintenance, PO Box 176, Jefferson City, MO 65102-0176 or the MSHP. The check or money order shall submit the pro-rated fee of eight dollars and thirty-three cents ($8.33) times the number of months between the month of the application, including the month of application, for the emissions inspection license and the month that the safety inspection license will be renewed. Under no circumstances will cash be accepted for the license fee.

D. Except as provided by subparagraph (3)(F)4.C. of this rule, station licenses are valid for a period of one (1) year from the date of issuance, unless the license is suspended or revoked by the department or the MSHP. The owners of licensed emissions inspection stations that are renewing their emissions inspection license shall complete the requirements of subparagraph (3)(F)4.B. of this rule.

E. Along with the application fee, applicants shall submit the following information on a form provided by either the department or the MSHP:

(I) Proof of liability insurance;

(II) The business's federal and state taxpayer identification number;

(III) The physical address of the inspection station;

(IV) The mailing address, if different from physical address, of the inspection station;

(V) The phone number and, if available, fax number of the inspection station;

(VI) The last name, first initial, and, if already licensed by the MSHP, the inspector number of the licensed emissions inspector(s) employed by that station; and

(VII) The first and last name of the emissions inspection station manager(s) employed by that station.

F. No license issued to an emissions inspection station may be transferred or used at any other location. Any change in ownership or location shall void the current station license. The department must be notified immediately when a change of ownership or location occurs or when a station discontinues operation. Businesses that change locations will be charged another license fee for the cost of the new license. Businesses that change owners will be treated as new licensees and charged another license fee for the new license.

G. When an emissions inspection station license has been suspended or revoked, or when a station discontinues operation, all emissions inspection supplies including, but not limited to, blank *[vehicle inspection reports and]* windshield stickers **described in section (4) of this rule and the emissions inspection station sign described in subparagraph (3)(F)7.C.**, shall be released on demand to the department or the MSHP. The failure to account for all **emissions** inspection supplies will be sufficient cause for the department **or the MSHP** to not reinstate an emissions inspection station license. *[The department will refund the station for the number of prepaid emissions inspections remaining on the inspection equipment at the time the station discontinues operation or chooses not to renew its emissions inspection license.]*

H. No emissions inspection station license will be issued to a spouse, child or children, son/daughter-in-law, employee**,** or any person having an interest in the business for the privilege to conduct emissions inspections at the same location or in close proximity to the location of an emissions inspection station whose license is under suspension or revocation, unless the applicant can provide reasonable assurance that the licensee under suspension or revocation will not be employed, manage, assist in the station operation**,** or otherwise benefit financially from the operation of the business in any way.

5. Operations.

[A. Every emissions inspection must be performed according to the procedures described in this rule. Once an emissions inspection has begun, it shall be completed and shall not be terminated. A vehicle may not be passed or failed based upon a partial inspection.]

[B. A proper and complete emissions inspection shall consist of the OBD test method described in section (5) of this rule, the immediate printing and subsequent issuance of a vehicle inspection report to the motorist, and the immediate uploading of the emissions inspection data to the contractor's VID.]

[C. For each completed emissions inspection, the emissions inspection equipment shall print a vehicle inspection report that meets the requirements of subsections (4)(A) and (4)(B) of this rule.]

[D. All emissions inspection records shall be transmitted to the state's contractor as soon as an inspection is complete for the purpose of real time registration verification by the Department of Revenue and program oversight by the department or the MSHP.]

[E The emissions inspection fees described in subsection (3)(D) of this rule shall be charged for each inspection performed, except at locations where the fleet operator is inspecting fleet vehicles at their own inspection facility.]

[F. Emissions inspection windshield stickers will be issued to an emissions inspection station by the MSHP, and can be printed by only that station. Emissions inspection windshield stickers shall be kept secure to prevent them from being lost, damaged or stolen. If windshield stickers are lost, damaged or stolen, the incident shall be reported immediately to the MSHP.]

*[G.]***A.** All emissions inspections must be conducted at the licensed emissions inspection station in the approved **emissions** inspection area **described in paragraph (3)(F)1. of this rule**.

*[H.]***B.** The inspection of a vehicle shall be made only by an individual who has a current, valid emissions inspector license.

[I.] No person without a current, valid emissions inspector license shall issue a**n emissions** *[vehicle inspection report]* **VIR** or a windshield sticker.

[J.] No owner, operator**,** or employee of an inspection station shall furnish, loan, give**,** or sell a**n emissions** *[vehicle inspection report]* **VIR** or windshield sticker to any person except those entitled to receive it **because their vehicle has passed the emissions inspection**.

*[K.]***C.** If an emissions inspector or an emissions inspection station manager **or owner** resigns or is dismissed, the emissions inspection station manager or station owner shall report these changes to the department **and the MSHP** immediately or within two (2) business days. The emissions inspection station manager or station owner shall complete an amendment form to inform the department **and the MSHP** of these changes in personnel.

*[L.]***D.** All current manuals, bulletins**,** or other rules issued by the department must be read *[and initialed]* by the station owner or operator and each emissions inspector. These resources must be available, either in printed or electronic form, at all times for ready reference by **emissions** inspectors, department**,** and MSHP staff.

*[M.]***E.** If the department is asked to settle a difference of opinion between a vehicle owner and an emissions inspection station manager or emissions inspector concerning the inspection standards and procedures, the decisions of the department concerning emissions inspection standards and procedures will be final.

*[N.]***F.** Emissions inspection station operators are permitted to advertise as official emissions inspection stations.

6. Hours of operation.

A. The normal business hours **and business days** of every public inspection station shall be at least eight (8) continuous hours per day, five (5) days per week**, excluding all state holidays**.

B. *[Both inspection station managers and emissions]* **Emissions** inspectors are obligated to conduct emissions inspections and reinspections of vehicles during normal business hours.

(I) A vehicle shall be emissions inspected within a two (2)-hour period after being presented unless other vehicles are already being emissions inspected.

(II) A reinspection must begin within one (1) hour when a vehicle is presented during the twenty (20) consecutive-day period *[allowed by law]* for reinspections excluding Saturdays, Sundays**,** and state holidays.

7. Display of inspection station and inspector licenses, sign**,** and poster.

A. The department or the department's designee shall provide each licensed emissions inspection station with one (1) station license certificate. The station license certificate shall be framed under clean glass or plastic and displayed in a conspicuous location discernible to those presenting vehicles for emissions inspections.

B. The department or the department's designee shall provide each licensed emissions inspector with one (1) inspector license certificate. The emissions inspector licenses must be framed under clean glass or plastic and displayed in a conspicuous location discernible to those presenting vehicles for emissions inspections.

C. The department or the department's designee shall provide each licensed emissions inspection station one (1) official sign, made of metal or other durable material, to designate the station as an official emissions inspection station. The sign designating the station as an emissions inspection station shall be displayed in a location visible to motorists driving past the inspection station. Additional signs may be purchased for a fee equal to the cost to the state for each additional sign.

D. The department or the department's designee shall provide each licensed emissions inspection station with one (1) poster that informs the public that required repairs or corrections need not be made at that inspection station. The poster must be displayed in a conspicuous location discernible to those presenting vehicles for emissions inspections. Additional posters may be purchased for a fee equal to the cost to the state for each additional poster.

(H) Emissions Inspection Procedures. The emissions inspection procedure shall meet the following requirements:

1. *[Vehicles shall be inspected in as-received condition. An official inspection, once initiated, shall be performed in its entirety regardless of immediate outcome, except in the case of an invalid test condition;]* **Every emissions inspection must be performed according to the procedures described in this rule. Once an emissions inspection has begun, it shall be completed and shall not be terminated. A vehicle may not be passed or failed based upon a partial inspection;**

2. *[The initial emissions inspection shall be performed according to the test method described in section (5) of this rule without repair or adjustment at the emission inspection station prior to commencement of any tests. Emissions inspections performed within ninety (90) days of the initial emissions inspection shall be considered a reinspection and are subject to provisions of subsection (3)(J) of this rule;]* **A proper and complete emissions inspection shall consist of the OBD test method described in section (5) of this rule, the immediate printing and subsequent issuance of a VIR to the motorist, and the immediate uploading of the emissions inspection data to the contractor's VID;**

3. *[If a subject vehicle passes the emissions test method described in section (5) of this rule according to the standards described in subsection (3)(I) of this rule, the emissions inspection station shall issue the vehicle owner or driver a vehicle inspection report certifying that the vehicle has passed the emissions inspection, and provide a windshield sticker for the windshield of the subject vehicle according to subsection (4)(A) of this rule. The positioning of the windshield sticker on the windshield of the vehicle shall take place on the premises of the emissions inspection station;]* **All emissions inspection records shall be transmitted to the state's contractor as soon as an inspection is complete for the purpose of real time registration verification by the MDOR and program oversight by the department or the MSHP;**

4. *[If a subject vehicle fails the emissions test method described in section (5) of this rule according to the standards described in subsection (3)(I) of this rule, the emissions inspection station shall provide the vehicle owner or driver with a vehicle inspection report indicating what parts of the test method of the emissions inspection that the vehicle failed, a repair facility performance report, and a copy of the customer complaint procedure according to subsection (4)(B) of this rule; and]* **The emissions inspection fees shall be charged for each inspection performed as described in subsection (3)(D) of this rule;**

5. *[If a subject vehicle fails the emissions test method described in section (5) of this rule, the vehicle owner shall have the vehicle repaired. The vehicle shall be reinspected according to the appropriate inspection period as determined by paragraphs (3)(C)2. and (3)(C)3. of this rule and the reinspection procedures described in subsection (3)(J) of this rule.]* **Emissions inspection windshield stickers will be issued to an emissions inspection station by the MSHP and can be printed by only that station. Emissions inspection windshield stickers shall be kept secure to prevent them from being lost, damaged, or stolen. If windshield stickers are lost, damaged, or stolen, the incident shall be reported immediately to the MSHP;**

6. The emissions inspector will ensure that all required information is properly and accurately entered into the MDAS. This includes three (3) mandatory photos, a vehicle description including the license plate number at the time of inspection, VIN, vehicle make, vehicle model, vehicle model year, fuel type, GVWR range, odometer reading at the time of the emissions inspection, and the complete mailing address (street address, city, and zip code) of the vehicle owner;

7. Using the MDAS digital camera, the emissions inspector shall take three (3) readily identifiable digital pictures showing the current license plate, VIN, and odometer reading. The picture of the license plate, VIN, and odometer must match the plate, VIN, and odometer reading that is printed on the VIR. These pictures shall then be immediately uploaded to the VID via the docking station provided with the MDAS.

A. License plate pictures. Pictures of the rear license plate shall be of the entire rear portion of the vehicle from taillight to taillight. If the vehicle license plate is located only on the front of the vehicle, then the license plate picture shall be of the entire front of the vehicle. License plate pictures must be clearly legible.

B. VIN pictures. The camera should be set to the macro picture taking mode. VIN pictures should be of the dashboard VIN plate. It may be helpful to illuminate the VIN plate with supplemental lighting, block overhead lighting with a solid object, or take the photo at angle so that the camera flash or overhead lights are not reflected by the windshield glass. VIN pictures must be clearly legible.

C. Odometer pictures. The camera should be set to the macro picture taking mode. In the case of digital odometers, the ignition switch must be on to illuminate the odometer reading. Trip odometer photos are not permissible. It may be helpful to turn on the dashboard lights to help illuminate the odometer without the use of the camera's flash. Odometer pictures must be clearly legible;

8. Inspection stations shall ensure that the station analyzer USB digital camera is mounted on top of the station analyzer monitor and aimed, with a clear line of sight, towards the emissions inspection bay every time a vehicle emissions inspection is performed so that the inspection process can be remotely observed by state agencies throughout the entire vehicle emissions inspection;

9. Vehicles shall be inspected in as-received condition,

including vehicles whose MIL is lit or whose readiness monitors are unset. The inspector shall connect the OBD cable or wireless transmitter to the data link connector of the actual vehicle submitted for emissions testing. The connection shall remain intact and functioning during the entire test procedure. Clean scanning as defined in subsection (2)(B) of this rule is prohibited. An official inspection, once initiated, should be performed in its entirety regardless of immediate outcome, except in the case of an invalid test condition or determination by the emissions inspector;

10. The initial emissions inspection shall be performed according to the test method described in section (5) of this rule without repair or adjustment at the emission inspection station prior to commencement of any tests. Emissions inspections performed within ninety (90) days of the initial emissions inspection shall be considered a reinspection and are subject to provisions of subsection (3)(J) of this rule;

11. If a subject vehicle passes the emissions test method described in section (5) of this rule, according to the standards described in subsection (3)(I) of this rule, the emissions inspection station shall issue the vehicle owner or driver a passing VIR described in subsection (4)(A) of this rule, certifying that the vehicle has passed the emissions inspection, and provide a windshield sticker for the windshield of the subject vehicle according to subsection (4)(A) of this rule. The positioning of the windshield sticker on the windshield of the vehicle shall take place on the premises of the emissions inspection station;

12. If a subject vehicle fails the emissions test method described in section (5) of this rule, according to the standards described in subsection (3)(I) of this rule, the emissions inspection station shall provide the vehicle owner or driver with a failing VIR described in subsection (4)(B) of this rule that indicates what parts of the OBD test method the vehicle failed, a repair facility performance report described in subsection (4)(H) of this rule that lists the ten (10) nearest Missouri Recognized Repair Technicians (MRRTs) to the licensed emissions inspection station, and a repair data sheet described in subsection (4)(D) of this rule that is used to collect emissions repair data for the repair facility performance report;

13. If a subject vehicle fails the emissions test method described in section (5) of this rule, the vehicle owner shall have the vehicle repaired. The vehicle shall be reinspected according to the appropriate inspection period as determined by paragraphs (3)(C)2. and (3)(C)3. of this rule and the reinspection procedures described in subsection (3)(J) of this rule; and

14. If the emissions inspection is aborted by the MDAS software or the emissions inspector, the emissions inspection station shall provide the vehicle owner or driver with the emissions VIR described in subsection (4)(K) of this rule that indicates that the OBD test was aborted.

(J) Emissions Reinspection Procedures.

[1. Emissions reinspection fee.]

[A. To qualify for one free reinspection, the vehicle owner or driver shall present the previous vehicle inspection report and the completed repair data sheet to the emissions inspection station that conducted the initial emissions inspection, within twenty (20) business days of the initial emissions inspection.]

[B. Reinspections occurring more than twenty (20) business days after the initial emissions inspection shall only be performed upon payment of the emissions inspection fee to the emissions inspection station, except at locations where the fleet operator is inspecting fleet vehicles at their own facility.]

*[2.]***1.** *[Reinspection procedure.]* Vehicles that fail the emissions inspection described in section (5) of this rule shall be reinspected according to the test method described in section (5) of this rule to determine if the repairs were effective for correcting failures on the previous inspection, thereby reducing or preventing an increase in present and future tailpipe or evaporative emissions.

A. The inspector shall enter the data from the repair data sheet described in subsection (4)(D) of this rule in the MDAS prior to initiating the reinspection, even if the vehicle receives multiple reinspections.

B. The inspector shall ensure that the VIN of the reinspected vehicle matches the VIN of the originally inspected vehicle.

C. The inspector shall enter the current odometer reading of the vehicle at the time of the reinspection into the MDAS.

D. The inspector shall take three (3) new photographs following the procedure described in paragraph (3)(H)7. of this rule.

E. The inspector shall connect the OBD cable or wireless transmitter to the data link connector of the actual vehicle submitted for emissions testing. The connection shall remain intact and functioning during the entire test procedure. Clean scanning as defined in subsection (2)(B) of this rule is prohibited.

*[3.]***2.** If the subject vehicle passes a reinspection, then the procedures in paragraph *[(3)(H)3.]***(3)(H)11.** of this rule shall be followed.

*[4.]***3.** If the subject vehicle fails a reinspection, the vehicle owner may either:

A. Have more repairs performed on the vehicle and have the vehicle reinspected; or

B. Apply for a cost-based waiver according to the requirements in paragraphs (3)(K)1.–(3)(K)*[4.]***5.** of this rule.

(K) Emissions Inspection Waivers **and Exemptions**.

1. Cost-based waivers. Vehicle*[s]* **owners or purchasers** shall be issued a cost-based waiver **for their vehicle** under the following conditions:

A. The subject vehicle has failed the initial emissions inspection, has had qualifying repairs, and has failed an emissions reinspection;

B. *[The vehicle owner or operator has taken the vehicle to the department or has made an appointment for the department representative to travel to the location of the vehicle and presented to the department representative the vehicle inspection reports, stating that the vehicle presented has failed the initial emissions inspection and all subsequent emissions reinspections;]* **The vehicle has passed the bulb check test described in subparagraph (5)(B)2.A. of this rule, the data link connector test described in subparagraph (5)(B)3.A. of this rule, the communications test described in subparagraph (5)(B)3.B. of this rule, and the readiness monitor test described in paragraph (5)(B)4. of this rule;**

C. The subject vehicle has all of its emissions control components correctly installed and operating as designed by the vehicle manufacturer.

(I) To the extent practical, the department representative shall use the MSHP air pollution control device inspection method described in 11 CSR 50-2.280 to fulfill the requirement of this subparagraph.

(II) If the vehicle fails the visual inspection described in 11 CSR 50-2.280, then the vehicle will be denied a cost-based waiver;

D. The vehicle operator has *[presented]* **submitted** to the department *[representative]* **the appropriate waiver application with all required information and necessary signatures completed, along with** all itemized receipts of qualifying repairs. The qualifying repairs must meet the requirements of paragraph (3)(K)2. of this rule. The itemized receipts must meet the requirements of paragraph (3)(K)3. of this rule; *[and]*

E. At the discretion of the department, the vehicle owner or operator may be required to make arrangements to bring the vehicle to the department or the department's designee for visual verification of the vehicle's repairs or estimated repairs in the case of a cost-based estimate waiver application; and

*[E]***F.** To the extent practical, the department representative

has verified that the repairs indicated on the itemized receipts for qualifying repairs were made and that the parts were repaired/replaced as claimed.

2. The minimum amount spent on qualifying repairs for cost-based waivers shall—

A. Exceed four hundred fifty dollars ($450) for vehicles not **fully** repaired **solely** by the owner of the failed vehicle;

B. Exceed four hundred dollars ($400) for all vehicles repaired **solely** by the owner of the failed vehicle. **If the emissions failure is not related to the parts listed in this subparagraph, the cost of replacing such parts will not count towards the waiver minimum.** Only **qualified repairs that include** the part*[s]* costs for the **purchase and installation of the** following parts listed in 40 CFR 51.360(a)(5) will be accepted:

(I) Oxygen sensors;

(II) Catalytic converters;

(III) EGR valves;

(IV) Evaporative canisters;

(V) PCV valves;

(VI) Air pumps;

(VII) Distributors;

(VIII) Ignition wires;

(IX) Coils;

(X) Spark plugs; and

(XI) Any hoses, gaskets, belts, clamps, brackets, or other accessories directly associated with these parts;

C. Exceed two hundred dollars ($200) for all motorists who provide the department representative with reasonable and reliable proof that the owner is financially dependent on state and federal disability benefits and other public assistance programs. *[The proof must be provided thirty (30) calendar days prior to each emissions inspection.]* The proof shall consist of government issued documentation providing explanation of the motorist's disability and financial assistance with regard to personal income**. The motorist must also submit the appropriate cost-based waiver application with their "Financial Eligibility Waiver Request"**;

D. Be inclusive of part*[s]* costs paid **by motorists performing qualified vehicle repairs by themselves or** for **qualified** emissions repair services **performed by any repair technician**. *[Recognized labor]* **Labor** costs shall **only** be applied toward a cost-based waiver **if the qualified repair work was performed by***[. For qualifying repairs performed by someone other than]* a Recognized Repair Technician*[, parts costs, but not labor costs, shall be applied toward a cost-based waiver]*;

E. Not include the fee for an emissions inspection or reinspection;

F. Not include the fee for a safety inspection or reinspection;

G. Not include charges for obtaining a written estimate of needed repairs;

H. Not include the charges for repairs necessary for the vehicle to pass a safety inspection;

I. Not include costs for repairs performed on the vehicle before the initial emissions inspection failure or more than ninety (90) days after the initial emissions inspection failure;

J. Not include expenses that are incurred for the repair of**:**

(I) *[emissions]* **Emissions** control devices or data link connectors that have been found during either a safety or an emissions inspection to be tampered with, rendered inoperative, or removed**;**

(II) the MIL; or

(III) for OBD communications failures; *[and]*

K. Not include expenses that are incurred for the restoration of the vehicle manufacturer's emissions control system due to the installation of sensor simulators, engine control module upgrades, or other aftermarket components that disable readiness monitors or in any way bypass or compromise the vehicle manufacturer's emissions control system; and

*[K.]***L.** Not include costs for emissions repairs or adjustments covered by a vehicle manufacturer's warranty, insurance policy, or contractual maintenance agreement. The emissions repair costs covered by warranty, insurance, or maintenance agreements shall be separated from other emissions repair costs and shall not be applied toward the cost-based waiver minimum amount. The operator of a vehicle within the statutory age and mileage coverage under subsection 207(b) of the federal Clean Air Act shall present a written denial of warranty coverage, with a complete explanation, from the manufacturer or authorized dealer in order for this provision to be waived.

3. The vehicle operator shall present the original of all itemized repair receipts to the department representative to demonstrate compliance with paragraph (3)(K)2. of this rule. The itemized repair receipt(s) shall—

A. Include the name, physical address**,** and phone number of the repair facility and the model year, make, model**,** and VIN of the vehicle being repaired;

B. Describe the diagnostic test(s) performed to identify the reason the vehicle failed an emissions inspection;

C. Describe the emissions repair(s) that were indicated by the diagnostic test(s);

D. Document the emissions repairs performed were authorized by the vehicle owner or operator;

*[D.]***E.** Describe the emissions repairs that were *[authorized by the vehicle owner or driver and]* performed by the repair technician **or vehicle owner**;

*[E.]***F.** Describe the vehicle part(s) **and the quantity or each type of part(s)** that were serviced or replaced;

*[F.]***G.** Describe the readiness monitors that were either set to ready or left unset;

*[G.]***H.** Describe the diagnostic test(s) performed after the repairs were completed to verify that the vehicle's emissions control system is now operating as it was designed to operate by the manufacturer;

*[H.]***I.** Clearly list the labor costs, if the vehicle was repaired by a repair technician, and part*[s]* costs separately for each repair **item**. Unclear repair receipts that do not identify the vehicle that was repaired, do not itemize the actual cost of the parts that were serviced, do not list the labor costs separately from the part*[s]* costs, do charge state sales tax on parts exempted from state sales as defined in 10 CSR 10-6.320, or contain fraudulent information or part*[s]* costs as determined by department representative may not be accepted for the purpose of obtaining a cost-based waiver;

*[I.]***J.** Include the repair technician's name (printed or typed), signature and, if applicable, the unique identification number of the Recognized Repair Technician that performed the repair work; and

*[J.]***K.** Confirm that payment was collected or financed for the services rendered and/or parts replaced as listed on the itemized repair receipt(s).

4. Cost-based estimate waivers. Vehicles shall be issued a cost-based estimate waiver under the following conditions:

A. The subject vehicle has failed the initial emissions inspection or reinspection after repair(s) with a single DTC;

B. The vehicle has passed the bulb check test described in subparagraph (5)(B)2.A. of this rule, the data link connector test described in subparagraph (5)(B)3.A. of this rule, the communications test described in subparagraph (5)(B)3.B. of this rule, and the readiness monitor test described in paragraph (5)(B)4. of this rule;

C. The subject vehicle cannot have received either a cost-based waiver or a cost-based estimate waiver during a previous biennial inspection cycle for the same single DTC;

D. The vehicle owner has paid for a diagnostic test of that DTC by a Recognized Repair Technician or a vehicle repair business that specializes in a particular make of vehicle or type of repair (e.g., transmission repairs), with the items tested and the results described on the repair estimate; and

E. The diagnostic test results and parts required for the repair of the single DTC are documented by the shop to exceed

four hundred fifty dollars ($450).

*[4.]***5. The department reserves the right to investigate all cost-based waiver requests and submitted receipts. Cost-based waiver requests with incomplete information or questionable receipts will not be approved.** If the conditions of paragraphs (3)(K)1.–(3)(K)*[3.]***4.** of this rule have been met, the department representative shall issue a cost-based waiver and *[affix]* **provide** the windshield sticker to **be affixed to** the vehicle **by the vehicle owner**. The windshield sticker shall meet the requirements of paragraph (4)*[(A)]***(F)**2. of this rule.

*[5.]***6.** The contractor shall provide the means to issue cost-based waivers**, VIRs, and windshield stickers** from either the department's offices or from a portable solution as required by the contract.

*[6.]***7.** Out-of-area *[waivers]* **exemptions**. Provided the vehicle owner or driver submits a completed, signed *[waiver]* **out-of-area** affidavit to the department indicating that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, RSMo, for the next twenty-four (24) months, the department shall issue an emissions inspection *[vehicle inspection report]* **VIR**, with an indicator to show that the vehicle has received an out-of-area *[waiver]* **exemption** to the vehicle owner or driver, and a windshield sticker shall be affixed to the subject vehicle.

*[7.]***8.** Reciprocity waivers. Provided the vehicle owner or driver presents proof, acceptable to the department, that the subject vehicle has successfully passed an OBD emissions inspection in another state within the previous sixty (60) calendar days, the department shall issue an emissions inspection *[vehicle inspection report]* **VIR** with an indicator to show that the vehicle has received a reciprocity waiver to the vehicle owner or driver, and a windshield sticker shall be affixed to the subject vehicle.

A. Reciprocity waivers shall be issued if the motorist submits proof of a passing OBD emissions inspection from one (1) of the following states: Alaska, Arizona, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Louisiana, Maine, Massachusetts, Maryland, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee unless tested in Shelby County (Memphis), Rhode Island, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin.

B. Should any of these states discontinue the use of pass/fail OBD inspections, the reciprocity waiver shall not be granted.

9. Mileage exemptions. Provided the vehicle owner or driver submits the required information described in subsection (4)(H) of this rule, the department or the MDAS shall issue an emissions inspection VIR, with an indicator to show that the vehicle has received a mileage-based exemption to the vehicle owner or driver.

10. GVWR exemptions. Provided the emissions inspector verifies that the vehicle is over eight thousand five hundred (8,500) pounds GVWR, the MDAS shall issue an emissions inspection VIR, with an indicator to show that the vehicle has received a GVWR exemption to the vehicle owner or driver.

*[8.]***11.** The contractor shall provide the means to issue out-of-area**,** *[and]* reciprocity**, mileage and GVWR** waivers**, exemptions, and VIRs** from either the department's offices or from a portable solution as required by the contract.

(L) Quality Control Requirements.

1. Quality control for the contractor(s). The department shall appoint entities under contractual agreement with the department to facilitate the operating of decentralized emissions inspection stations that will conduct vehicle emissions for the purpose of reducing or preventing vehicle pollution that contributes to ground-level ozone formation.

2. Quality control for emissions inspection stations.

A. Licensed emissions inspection stations shall conduct their business in such a way that it satisfies the intent of the vehicle emissions inspection program, which is to accurately identify the vehicles that fail to meet the OBD emissions test standards so that these vehicles may be effectively repaired.

B. Failure to comply with the provisions of this rule and the purposes stated in subparagraph (3)(L)2.A. of this rule shall be considered a violation of this rule *[and shall be sufficient cause for the department or MSHP to immediately suspend emissions and/or safety inspection station licenses and the ability to conduct emissions and/or safety inspections]* **and will result in the penalties described in paragraphs (3)(N)2.–(3)(N)5. of this rule**.

C. Licensed emissions inspection stations shall be financially responsible for all vehicles that are being inspected.

3. Quality control for emissions inspectors.

A. The contractor shall provide to the department an education and training plan, to be approved by the department prior to implementation, for licensed emissions inspectors. Inspectors shall not be licensed unless they have passed all training requirements.

B. Failure to comply with the provisions of this rule and the contract shall be considered a violation of this rule *[and shall be sufficient cause for the department or MSHP to immediately suspend safety and/or emissions inspector licenses and the ability to conduct safety and/or emissions inspections]* **and will result in the penalties described in paragraphs (3)(N)2.–(3)(N)5. of this rule**.

C. As specified in the contract, the contractor shall maintain for the department an electronic database of licensed emissions inspector information*[,]* that**,** at a minimum**,** includes the inspector's name, unique identification number, date of license issuance, stations of employment, date of any license suspensions or revocations, and a list of inspection results by date and by model year, make, model, and VIN.

4. Quality control for emissions inspection records.

A. All inspection records, calibration records, and control charts shall be accurately created, recorded, maintained**,** and secured by the contractor.

B. The contractor shall make available all records and information requested by the department and shall fully cooperate with the department, MSHP, and other state agency representatives who are authorized to conduct audits and other quality assurance procedures.

C. The contractor shall maintain emissions inspection records, including all inspection results and repair information.

(I) These records shall be kept readily available to the department and the MSHP for at least three (3) years after the date of an initial emissions inspection.

(II) These records shall be made available to the department and the MSHP on a real time continual basis through the use of *[an automated data communication system]* **the contractor's VID** as specified in the contract.

(III) These records shall also be made available immediately upon request for review by department and MSHP personnel.

5. Quality control for all emissions inspection equipment.

A. At a minimum, the practices described in this section and in the contract shall be followed.

B. Preventive maintenance on all emissions inspection equipment shall be performed on a periodic basis, as provided by the contract between the department and the contractor and consistent with the EPA's and the equipment manufacturer's requirements.

C. To assure quality control, computerized analyzers shall automatically record quality control check information, lockouts, attempted tampering**,** and any circumstances which require a service representative to work on the equipment.

D. To assure test accuracy, equipment shall be maintained by the contractor according to demonstrated good engineering procedures.

E. Computer control of quality assurance checks shall be used whenever possible. The emissions inspection equipment shall transmit the quality control results to the department's contractor as

prescribed in the contract between the department and the contractor.

(M) Vehicle Registration. After a subject vehicle has passed the emissions inspection according to either paragraphs (3)(H)*[3.]***11.** or (3)(J)*[3.]***2.** of this rule, or received a waiver according to subsection (3)(K) of this rule, the contractor shall make electronically available to the *[Department of Revenue]* **MDOR** on a real time basis the emissions and any associated safety inspection compliance records to enable vehicle registration and compliance enforcement. Paper *[vehicle inspection reports]* **VIRs** may not be used for registration purposes, unless the contractor's real time vehicle inspection database is not providing inspection information to the *[Department of Revenue]* **MDOR** on a real time basis. The department shall expressly authorize, either in writing or by voice authorization, the use of the paper *[vehicle inspection reports]* **VIRs** by the *[Department of Revenue]* **MDOR** and/or its contract offices.

(N) Violations and Penalties.

1. **Criminal penalties.** Persons violating this rule shall be subject to **the criminal** penalties contained in section 643.355, RSMo. *[Any person who knowingly misrepresents himself or herself as an official emissions inspection station or an inspector or a Recognized Repair Technician is guilty of a class C misdemeanor for the first offense and a class B misdemeanor for any subsequent offense. Any person who is found guilty or who has pleaded guilty to a violation of this paragraph shall be considered to have committed an offense for the purposes of this paragraph.]*

2. **Procedural penalties. Fraudulent emissions inspections or repairs are a violation of this rule.** All emissions inspection station operators and emissions inspectors shall comply with the emissions inspection law, **sections** 643.300-643.355, RSMo, and this emissions inspection rule. All emissions inspections **and repairs** shall be conducted in accordance with this emissions inspection rule. **The department shall conduct unannounced tests of facilities which inspect, repair, service, or maintain motor vehicle emissions components and equipments, including submitting known high emission vehicles with known defects for inspection and repair without prior disclosure to the repair facility.** Failure to comply with the emissions inspection law or the emissions inspection rule will subject the emissions inspection station manager and emissions inspector(s) to one **(1)** or more of the following *[enforcement actions]* **procedural penalties**:

A. Warning;

B. *[Suspension of inspection licenses;]* **Lockouts as described in paragraph (3)(N)3. of this rule;**

C. *[Revocation of inspection licenses; and]* **Fines as described in paragraph (3)(N)4. of this rule;**

D. *[Arrest by the MSHP.]* **Suspension or revocation of emissions inspection station and/or inspector licenses as described in (3)(N)5. of this rule;**

E. The department's refusal to accept repair receipts from an inspection station or repair facility for the purpose of issuing cost-based waivers;

F. The department's revocation of Recognized Repair Technician status if the repair technician is reported by the department to the attorney general for unlawful merchandising practices according to section 643.330.4, RSMo;

G. Reporting of unlawful merchandising practices as defined in Chapter 407, RSMo, by the department to the attorney general for appropriate legal proceedings under sections 407.095 and 407.100, RSMo; and

H. Department or MSHP requests for investigation and/or criminal and civil penalties by the U.S. Environmental Protection Agency.

3. *[Before any emissions inspection station license or emissions inspector license is suspended or revoked by the department, the holder will be notified, either in writing by certified mail or by personal service at the station's address of record, and given the opportunity to have an administrative hearing as provided by 643.320.3, RSMo.]* **Lockouts. The department or MSHP may electronically lock out any emissions inspector, station, MRRT, or equipment if the department or MSHP identifies any irregularities within the emissions inspection database or any irregularities identified during either overt or covert audits. The lockout may precede warnings, license suspensions or revocations, or arrests. The state's contractor shall display a lockout warning on the monitor of any inspection equipment that is locked out by the department or MSHP. Lockouts shall prevent the performing of emissions inspections by the locked-out party. Lockouts shall be cleared when the department or MSHP is satisfied that there is no longer a need for the lockout. Irregularities include, but are not limited to:**

A. Failure to enter all required information properly and accurately as described in paragraph (3)(H)6. of this rule;

B. Uploading unclear pictures, uploading license plate pictures that do not match the license plate recorded on the VIR, or failing to upload pictures as described in paragraph (3)(H)7. of this rule;

C. Disconnecting or misdirecting the view of the USB lane camera described in subparagraph (3)(H)8. of this rule;

D. Clean scanning as described in subsection (2)(B) and paragraph (3)(H)9. of this rule;

E. Performing more inspections than are physically possible for a given time duration;

F. Performing emissions inspections using another emissions inspector's fingerprint or password;

G. Conducting off-line inspections while the MDAS is not connected to the VID, unless the VID is off-line;

H. Conducting improper safety inspection of the air pollution control devices described in 11 CSR 50-2.280;

I. Bad faith or fraudulent repairs performed at the emissions inspection station or MRRT repair facility where—

(I) Vehicles repeatedly fail reinspections for the same reasons that they initially failed the OBD test;

(II) Vehicle repairs are not qualifying repairs as described in subsection (2)(W) of this rule; or

(III) Physical visual inspection of the repaired vehicles determines that the repairs were not performed as described on the submitted repair receipts;

J. Installing or assisting motorists with the installation of aftermarket components that disable or compromise the capabilities of the vehicle manufacturer's EPA-certified emissions control system;

K. Failure to maintain a positive balance of emissions inspection credit authorizations described in subparagraph (3)(D)3.B. of this rule;

L. Failure to upload the emissions inspection results to the VID immediately upon completion of the inspection per paragraph (3)(H)2. of this rule;

M. Failure to properly reinspect vehicles that failed an initial emissions test per paragraph (3)(J)1. of this rule;

N. Failure to pay the VID Service Fees according to the terms of the contract between the contractor and licensed emissions inspection stations as described in paragraph (3)(D)4. of this rule;

O. Failure to download and install the latest version of lane software to the MDAS; and

P. Failure to maintain dedicated data transmission capabilities for the emissions inspection equipment to stay online with the contractor's VID.

4. *[Lockouts. The department or MSHP may electronically lockout any emissions inspector, station, or equipment if the department or MSHP identifies any irregularities within the emissions inspection database or any irregularities identified during either overt or covert audits. The lockout may precede warnings, license suspensions or revocations,*

or arrests. The state's contractor shall display a lockout warning on the monitor of any inspection equipment that is locked out by the department or MSHP. Lockouts shall prevent the performing of emissions inspections by the locked out party. Lockouts shall be cleared when the department or MSHP is satisfied that there is no longer a need for the lockout.] **Fines. If anyone is found to have committed an intentional procedural violation of this rule or that anyone's procedural violation involved gross negligence of this rule, they are subject to a fine, and such fine shall be not less than five (5) times the amount of the fee described in paragraph (3)(D)1. of this rule.**

5. Emissions inspection license suspension and revocation. Before any emissions inspection station license or emissions inspector license is suspended or revoked by the department or the MSHP, the holder will be notified, either in writing by certified mail or by personal service at the station's address of record, and given the opportunity to have an administrative hearing as provided by section 643.320.3, RSMo.

A. Suspension of emissions inspection station and/or inspector licenses shall be for a period no less than thirty (30) days and not more than one (1) year.

B. Revocation of emissions inspection station and/or inspector licenses shall be for a period no less than one (1) year and not more than three (3) years.

6. Civil penalties. Installing aftermarket components that in any way bypass or compromise the vehicle manufacturer's emissions control system on a vehicle operated in the ozone nonattainment area is a violation of this rule and the federal Clean Air Act section 203(a)(3) and may result in the penalties described in the federal Clean Air Act section 205(a).

A. Any manufacturer or dealer who violates section 203(a)(3)(A) of the federal Clean Air Act shall be subject to a civil penalty of not more than twenty-five thousand dollars ($25,000).

B. Any person other than a manufacturer or dealer who violates section 203(a)(3)(A) of the federal Clean Air Act or any person who violates section 203(a)(3)(B) of the federal Clean Air Act shall be subject to a civil penalty of not more than two thousand five hundred dollars ($2,500).

(4) Reporting and Record Keeping.

(A) **Passing Vehicles.** *[The contractor shall provide all licensed emissions inspection stations with vehicle inspection report forms and windshield stickers for vehicles that pass an emissions inspection. After the effective date of this rule, any revision to the contractor supplied forms shall be presented to the regulated community for a forty-five (45)-day comment period.]*

1. The *[vehicle inspection report]* **VIR for the passing vehicle** shall include:

A. A vehicle description, including **the** license plate number **at the time of inspection**, VIN, vehicle make, vehicle model, vehicle model year, **fuel type,** *[and]* **GVWR range,** odometer reading **at the time of the vehicle's passing the OBD test, county of registration, and the complete mailing address (street address, city, and zip code) of the vehicle owner**;

B. The date and time of inspection;

C. The unique identification number of the licensed emissions inspector performing the inspection, the unique identification number and location of the inspection station, and the unique identification number of the inspection equipment;

D. The applicable inspection standards;

E. The passing OBD test results;

F. The results of the recall provisions check, if applicable, including the recall campaign;

G. A statement that the emissions inspection was performed in accordance with this state regulation;

H. A waiver indicator, if applicable;

I. An off-line test indicator if the MDAS was not connected to the VID when the inspection was performed;

*[I.]***J.** The statement: "This inspection is mandated by your United States Congress"; and

*[J.]***K.** A statement that the results have been transmitted directly to the *[Department of Revenue]* **MDOR**, and that the paper *[vehicle inspection report]* **VIR** may not be used for vehicle registration purposes.

2. The windshield sticker **for the passing vehicle** shall—

A. Be affixed on the inside of the vehicle's front windshield in the lower left hand corner by the emissions inspector for each vehicle that passes the emissions inspection, or by the department representative for each vehicle that has been issued a waiver. A windshield sticker affixed to a vehicle that has been issued a waiver shall have a waiver indicator clearly visible on the sticker. Previous windshield stickers affixed to the windshield shall be removed;

B. Be as fraud resistant as required by the contract between the department and the contractor;

C. Be valid until the next emissions inspection is required as defined in subsection (3)(B) of this rule; and

D. Contain the statement: "This inspection is mandated by your United States Congress."

(B) **Failing Vehicles.** *[The contractor shall provide all licensed emissions inspection stations with vehicle inspection reports for vehicles that fail an emissions inspection. After the effective date of this rule, any revision to the contractor supplied forms shall be presented to the regulated community for a forty-five (45)-day comment period.]* The *[vehicle inspection report]* **VIR for the failing vehicle** shall include:

1. A vehicle description, including **the** license plate number **at the time of inspection**, VIN, vehicle make, vehicle model, vehicle model year, **fuel type,** *[and]* **GVWR range,** odometer reading **at the time of the vehicle's OBD test, county of registration, and the complete mailing address (street address, city, and zip code) of the vehicle owner**;

2. The date and time of inspection;

3. The unique identification number of the licensed emissions inspector performing the test, the unique identification number and location of the inspection station, and the unique identification number of the inspection equipment;

4. The applicable inspection standards;

5. The passing and failing OBD test results according to 40 CFR part 85, subpart W, section 2223. Section 2223 is incorporated by reference in this rule, as published by the EPA, Office of Transportation and Air Quality, 2000 Traverwood, Ann Arbor, MI 48105 on April 5, 2001. This rule does not incorporate any subsequent amendments or additions to section 2223;

6. The results of the recall provisions check, if applicable, including the recall campaign;

7. A statement that the emissions inspection was performed in accordance with this state regulation;

8. The statement: "This inspection is mandated by your United States Congress"; *[and]*

9. A statement that the vehicle may be reinspected for free according to *[sub]*paragraph *[(3)(J)1.A.]***(3)(D)2.** of this rule;

10. An off-line test indicator if the MDAS was not connected to the VID when the inspection was performed;

11. If the vehicle fails the DLC test described in subparagraph (5)(B)3.A. of this rule, the DLC failure reason as determined by the emissions inspector; and

12. If the vehicle fails the communications test described in subparagraph (5)(B)3.B. of this rule, the non-communications reason as determined by the MDAS.

(C) **Repair Facility Performance Report.** *[The contractor shall provide all licensed emissions inspection stations with a repair facility performance report for each failing vehicle.]* The repair facility performance report *[may be included on the*

vehicle inspection report] **shall be printed by the MDAS for each failing vehicle and provided by the inspection station to the motorist with the VIR** described in subsection (4)(B) of this rule. The repair facility performance report shall**, at a minimum,** list the ten (10) facilities employing at least one (1) Recognized Repair Technician that are nearest to the inspection station that conducted the failing emissions inspection. If the inspection station employs at least one (1) Recognized Repair Technician, the repair facility performance report shall include the inspection station in the list of ten (10) facilities. The report shall include, but not be limited to, the following:

1. The name of each facility, address, and phone number;

2. The percentage of vehicles repaired by the repair facility that passed *[a]* **the first** reinspection *[after one (1) reinspection]*;

3. Other information as required by the contract between the department and the contractor; and

4. How motorists may obtain the full or customized list of facilities employing Recognized Repair Technicians from the contractor at no cost to the motorist. The list shall be viewable on a publicly available website maintained by the contractor.

(D) **Repair Data Sheet.** *[The contractor shall provide a mechanism for collecting vehicle repair information from all Recognized Repair Technicians. This information may be collected through the emissions inspection equipment or through an Internet solution.]* **The repair data sheet shall be printed by the MDAS for each failing vehicle and provided by the inspection station to the motorist.** The information **on repair data sheets** shall be **collected and entered by emissions inspectors into the MDAS as described in subparagraph (3)(J)1.A. of this rule and** used to generate the repair facility performance report described in subsection (4)(C) of this rule. The information to be collected shall include, but not be limited to, the following:

1. The total cost of repairs, divided into parts and labor;

2. The name of the person who performed the repairs and**, if applicable,** their Recognized Repair Technician's identification number;

3. The name of the repair facility and**, if applicable,** the repair **business's inspection station number and/or the MRRT** facility's identification number; and

4. The inspection failure the vehicle was being repaired for and the emissions-related repairs performed.

(E) **Motorist Comment Form.** *[The contractor shall provide all licensed emissions inspection stations and businesses employing Recognized Repair Technicians with customer complaint forms. After the effective date of this rule, any revision to the contractor supplied forms shall be presented to the regulated community for a forty-five (45)-day comment period.]* **Inspection stations may print motorist comment forms from the MDAS to give to motorists for providing feedback on emissions inspections.** The *[customer complaint]* **motorist comment** form shall include the telephone numbers of the department and the MSHP **and the complete mailing address (street address, city, and zip code), phone number, fax number, and website of the contractor**.

1. Any challenge regarding the performance or results of the emissions inspection must be made within *[ten (10)]* **twenty (20)** business days of the failing emissions inspection.

2. Any challenge regarding the results or effectiveness of the repairs made by either licensed emissions inspection stations or Missouri Recognized Repair Technicians must be made within twenty (20) business days of the date of vehicle repair.

(F) Cost-Based Waivers.

1. The cost-based waiver VIR shall include:

A. A vehicle description, including the license plate number at the time of inspection, VIN, vehicle make, vehicle model, vehicle model year, fuel type, GVWR range, odometer reading at the time of the most recent emissions inspection, county of registration, and the complete mailing address (street address, city, and zip code) of the vehicle owner;

B. The amount of money accepted by the department toward the cost-based waiver and the date and time that the cost-based waiver is issued;

C. The unique identification number of the department staff issuing the cost-based waiver, the location of the department staff person issuing the cost-based waiver, and the unique identification number of the inspection equipment used to issue the cost-based waiver;

D. A statement that the results have been transmitted directly to the MDOR, and that the paper VIR may not be used for vehicle registration purposes; and

E. The statement: "This inspection is mandated by your United States Congress."

2. The front of the cost-based waiver windshield sticker shall—

A. Be affixed on the inside of the vehicle's front windshield in the lower left-hand corner by the motorist. A waiver indicator shall be clearly visible on the sticker. Previous windshield stickers affixed to the windshield shall be removed;

B. Be as fraud resistant as required by the contract between the department and the contractor;

C. Be valid until the next emissions inspection is required as defined in subsection (3)(B) of this rule; and

D. Contain the statement: "This inspection is mandated by your United States Congress."

(G) Reciprocity Waivers.

1. The reciprocity waiver VIR shall include:

A. A vehicle description, including the license plate number at the time of inspection, VIN, vehicle make, vehicle model, vehicle model year, fuel type, GVWR range, odometer reading at the time of the vehicle's passing the OBD test, county of registration, and the complete name and address of the vehicle owner;

B. The reciprocity waiver determination;

C. The date and time that the reciprocity waiver is issued;

D. The unique identification number of the department staff person issuing the reciprocity waiver, the location of the department staff person, and the unique identification number of the inspection equipment used to issue the reciprocity waiver;

E. The state where the vehicle passed its OBD test;

F. A statement that the results have been transmitted directly to the MDOR, and that the paper VIR may not be used for vehicle registration purposes; and

G. The statement: "This inspection is mandated by your United States Congress."

2. The reciprocity waiver windshield sticker shall—

A. Be affixed on the inside of the vehicle's front windshield in the lower left-hand corner by the motorist. A waiver indicator shall be clearly visible on the sticker. Previous windshield stickers affixed to the windshield shall be removed;

B. Be as fraud resistant as required by the contract between the department and the contractor;

C. Be valid until the next emissions inspection is required as defined in subsection (3)(B) of this rule; and

D. Contain the statement: "This inspection is mandated by your United States Congress."

(H) Mileage-based Emissions-exempt Vehicles. The VIR for the mileage-based emissions-exempt vehicle shall include:

1. A vehicle description, including the license plate number at the time of inspection, VIN, vehicle make, vehicle model, vehicle model year, fuel type, GVWR range, odometer reading at the time of the most recent safety inspection, county of registration, and the complete mailing address (street address, city, and zip code) of the vehicle owner;

2. The date that the exemption is applied for and/or the date and time that the exemption was issued;

3. The unique identification number of the licensed emissions inspector performing the safety inspection, the unique identification number and location of the inspection station, and the unique identification number of the inspection equipment;

4. The type of mileage exemption, as described in paragraphs (1)(B)7. and (1)(B)8. of this rule;

5. A statement that the results have been transmitted directly to the MDOR, and that the paper VIR may not be used for vehicle registration purposes; and

6. The statement: "This inspection is mandated by your United States Congress."

(I) GVWR-based Emissions-exempt Vehicles. The VIR for the GVWR-based emissions-exempt vehicle shall include:

1. A vehicle description, including the license plate number at the time of inspection, VIN, vehicle make, vehicle model, vehicle model year, fuel type, GVWR range, odometer reading at the time of the most recent safety inspection, county of registration, and the complete mailing address (street address, city, and zip code) of the vehicle owner;

2. The date and time of the vehicle's safety inspection during which the licensed inspector verified that the vehicle had a GVWR in excess of eight thousand five hundred (8,500) pounds;

3. The unique identification number of the licensed emissions inspector performing the safety inspection, the unique identification number and location of the inspection station, and the unique identification number of the inspection equipment;

4. The GVWR exemption determination;

5. A statement that the results have been transmitted directly to the MDOR, and that the paper VIR may not be used for vehicle registration purposes; and

6. The statement: "This inspection is mandated by your United States Congress."

(J) Out-of-Area Emissions-exempt Vehicles. The out-of-area waiver VIR shall include:

1. A vehicle description, including the license plate number at the time of inspection, VIN, vehicle make, vehicle model, vehicle model year, fuel type, county of registration, and the complete name and address of the vehicle owner;

2. The date and time that the out-of-area exemption is issued;

3. The unique identification number of the department staff person issuing the out-of-area waiver, the unique identification number and location of the department staff person, and the unique identification number of the inspection equipment used to issue the out-of-area waiver;

4. The county where the vehicle is being operated;

5. A statement that the results have been transmitted directly to the MDOR, and that the paper VIR may not be used for vehicle registration purposes; and

6. The statement: "This inspection is mandated by your United States Congress."

(K) Aborted Emissions Inspections. The aborted emissions VIR shall include:

1. A vehicle description, including the license plate number at the time of inspection, VIN, vehicle make, vehicle model, vehicle model year, fuel type, GVWR range, odometer reading at the time of the most recent safety inspection, county of registration, and the complete mailing address (street address, city, and zip code) of the vehicle owner;

2. The date and time that the vehicle's emissions inspection was aborted;

3. The unique identification number of the licensed emissions inspector performing the emissions inspection, the unique identification number and location of the inspection station, and the unique identification number of the inspection equipment;

4. The aborted test result; and

5. The statement: "This inspection is mandated by your United States Congress."

*[(F)]***(L)** Beginning January 1, 2008, using a method provided by the contractor, federal, state, and local government agencies shall submit a list of vehicles, by VIN, that are operated by the government agencies and that are required to be inspected during each calendar year. Submittals are due by February 1 of each calendar year. If the first is not a business day or **is a** state holiday, the list shall be submitted to the contractor by the following business day. The contractor will audit these submittals by comparing the list of submitted vehicles to the database of inspected vehicles to track government fleet compliance. The contractor shall provide the department with the results of this audit by April 1 of each calendar year.

(5) Test Methods.

(A) To the extent possible, an OBD test**,** as defined in subsection (2)*[(S)]***(V)** of this rule**,** and the contract shall be performed on all 1996 and later model year light duty vehicles and light duty trucks powered by gasoline and all 1997 and later model year light duty vehicles and light duty trucks powered by diesel.

(B) The OBD test shall follow the procedures described in 40 CFR part 85, subpart W, section 2222. Section 2222 is incorporated by reference in this rule, as published by the EPA, Office of Transportation and Air Quality, 2000 Traverwood, Ann Arbor, MI 48105 on April 5, 2001. This rule does not incorporate any subsequent amendments or additions to section 2222.

1. If the subject vehicle cannot be tested with the OBD test due to manufacturer design, then the subject vehicle shall be tested with only a bulb check test described in *[sub]*paragraph (5)(B)2. of this rule.

2. Bulb check test.

A. Vehicles will fail the bulb check portion of the OBD test if the malfunction indicator light is not illuminated while the key is in the on position and the engine is off (KOEO).

B. Vehicles will fail the bulb check portion of the OBD test if the malfunction indicator light is illuminated while the key is in the on position and the engine is running (KOER).

C. Vehicles with keyless ignitions shall be subject to a bulb check test.

D. Vehicles that fail the **KOEO** bulb check portion **described in subparagraph (5)(B)2.A. of this rule** of the OBD test shall fail the OBD test. **Repairs made to correct bulb check failures shall not be eligible for cost-based or estimate-based waivers.**

3. Data link connector and *[communications]* **Communications** tests.

A. **Data link connector test.** Vehicles will fail the data link connector portion of the OBD test if the DLC is **inaccessible due to manufacturer design,** tampered with, blocked, or not located where the manufacturer located the DLC. **The emissions inspector shall determine and record the reason for this failure in the MDAS for printing on the emissions VIR.**

B. **Communications test.** Vehicles will fail the communications portion of the OBD test if the vehicle does not **maintain sufficient voltage to the DLC during OBD communication or** transmit the necessary information to the inspection equipment after *[a ten (10)]* **three (3) thirty (30)-**second attempts*[, followed by two (2) additional thirty (30)-second attempts]*.

(I) If the vehicle does not communicate after two (2) thirty (30)-second communication attempts, inspectors shall verify that a valid communications failure exists by using the MDAS OBD verification tool to verify the communication failure according to the lane software procedures.

(II) If the OBD verification tool determines that the equipment is not capable of communicating with the vehicle, the MDAS shall automatically abort the OBD test and generate the emissions VIR described in subsection (4)(K) of this rule.

(III) If the OBD verification tool determines that the equipment is capable of communicating with the vehicle, inspectors shall make one (1) additional thirty (30)-second communication attempt. If the vehicle does not communicate with the

MDAS, the MDAS shall determine and record the reason for this failure and print this reason on the emissions VIR.

C. Vehicles that fail the DLC or communications portion of the OBD test shall fail the OBD test.

D. Repairs made to correct failures for DLCs *[tampering]* **that have been tampered with, rendered inoperative, or removed, or failures for OBD communications** as described in part**s** (5)(B)3.A. **and (5)(B)3.B.** of this rule**,** shall not be eligible for cost-based **or estimated-based** waivers.

4. Readiness monitor test.

A. 1996–2000 model year gasoline-powered vehicles may pass the readiness monitor portion of the OBD test if they have no more than two (2) unset non-continuous readiness monitors.

B. 2001 and newer model year gasoline-powered vehicles may pass the readiness monitor portion of the test if they have no more than one (1) unset non-continuous readiness monitor.

C. Gasoline-powered vehicles that fail the OBD test with a catalytic converter DTC (P0420-P0439) present must have the catalyst monitor reset to pass the readiness monitor portion of the OBD retest.

D. Gasoline-powered vehicles will fail the readiness monitor portion of the OBD test if the following non-continuous monitors are not supported:

(I) Oxygen sensor; and

(II) Catalyst.

E. Vehicles that are on the readiness exemption table maintained by the contractor and authorized by the department shall be exempt from the readiness monitor portion of the OBD test.

F. Vehicles that fail the readiness monitor portion of the OBD test shall fail the OBD test. **Vehicles must pass the readiness monitor portion of the OBD test to be eligible for a cost-based or estimate-based waiver.**

G. Repairs made to correct failures for readiness monitor tampering caused by the installation of aftermarket components shall not be eligible for cost-based or estimated-based waivers.

5. Diagnostic trouble code test.

A. Vehicles will fail the diagnostic trouble code test if the OBD system has stored at least one (1) mature (non-pending, non-historic) DTC that commands the malfunction indicator light to be illuminated.

B. Vehicles will fail the diagnostic trouble code test if the vehicle commands the MIL to be illuminated but the OBD system has no mature (non-pending, non-historic) DTCs stored in the system.

C. The contractor shall ensure that their inspection equipment's request for DTCs does not cause the MIL to be illuminated.

D. Vehicles that fail the DTC portion of the OBD test shall fail the OBD test.

(D) If the subject vehicle fails the OBD test according to the OBD test standards specified in subsection (3)(I) of this rule or any of the OBD test procedures described in section (5) of this rule, then the procedures in paragraphs (3)(H)*[4.]***6.**, (3)(H)*[5.]***7.,** and (3)(J)2. of this rule shall be followed.

AUTHORITY: section 643.310.1, RSMo Supp. 2007. Original rule filed Jan. 16, 2007, effective Aug. 30, 2007. Amended: Filed Oct. 1, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., December 4, 2008. The public hearing will be held at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., December 11, 2008. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.061 Construction Permits Exemptions. The commission proposes to amend subsection (3)(A). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule lists specific construction or modification projects that are not required to obtain permits to construct under 10 CSR 10-6.060. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the February 20, 2002 Recommendations from the "Managing For Results" presentation, the Air Program Advisory Forum 2001 and 2002 Recommendations and a January 28, 2003 memorandum to the department's Air Pollution Control Program recommending exemption language changes. This proposed amendment will add an exemption from construction permits for the construction of temporary storage structures throughout the state of Missouri that occur as a result of exceptional events (e.g., natural disasters or abundant harvests exceeding available storage capacity). The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, are letters to the Missouri Department of Natural Resources' Air Pollution Control Program on behalf of the Missouri Ag Industries Council, Inc. dated August 26, 2004, September 12, 2005, and August 2, 2007, showing the need for exempting temporary grain storage structures when exceptional events occur.

(3) General Provisions. The following construction or modifications are not required to obtain a permit under 10 CSR 10-6.060:

(A) Exempt Emission Units.

1. The following combustion equipment is exempt from 10 CSR 10-6.060 if the equipment emits only combustion products, and the equipment produces less than one hundred fifty (150) pounds per day of any air contaminant:

A. Any combustion equipment using exclusively natural gas or liquefied petroleum gas or any combination of these with a capacity of less than ten (10) million British thermal units (Btus) per hour heat input;

B. Any combustion equipment with a capacity of less than one (1) million Btus per hour heat input;

C. Drying or heat treating ovens with less than ten (10) million Btus per hour capacity provided the oven does not emit pollutants other than the combustion products and the oven is fired exclusively by natural gas, liquefied petroleum gas, or any combination thereof; and

D. Any oven with a total production of yeast leavened bakery products of less than ten thousand (10,000) pounds per operating day heated either electrically or exclusively by natural gas firing with a maximum capacity of less than ten (10) million Btus per hour.

2. The following establishments, systems, equipment**,** and operations are exempt from 10 CSR 10-6.060:

A. Office and commercial buildings, where emissions result solely from space heating by natural or liquefied petroleum gas of less than twenty (20) million Btus per hour heat input. Incinerators operated in conjunction with these sources are not exempt unless the incinerator operations are exempt under another section of this rule;

B. Comfort air conditioning or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from, specific units of equipment;

C. Equipment used for any mode of transportation;

D. Livestock markets and livestock operations, including animal feeding operations and concentrated animal feeding operations as those terms are defined by 40 CFR 122.23 and all manure storage and application systems associated with livestock markets or livestock operations, that were constructed on or before November 30, 2003. This exemption includes any change, installation, construction**,** or reconstruction of a process, process equipment, emission unit, or air cleaning device after November 30, 2003, unless such change, installation, construction**,** or reconstruction involves an increase in the operation's capacity to house or grow animals.

E. Any grain handling, storage**,** and drying facility which—

(I) Is in noncommercial use only (used only to handle, dry**,** or store grain produced by the owner) if—

(a) The total storage capacity does not exceed seven hundred fifty thousand (750,000) bushels;

(b) The grain handling capacity does not exceed four thousand (4,000) bushels per hour; and

(c) The facility is located at least five hundred feet (500') from any recreational area, residence**,** or business not occupied or used solely by the owner;

(II) Is in commercial or noncommercial use and**—**

(a) *[t]***T**he total storage capacity of the new and any existing facility(ies) does not exceed one hundred ninety thousand (190,000) bushels; *[or]*

[(III) Is in commercial or noncommercial use and]

(b) *[h]***H**as an installation of additional grain storage capacity in which there is no increase in hourly grain handling capacity and that utilizes existing grain receiving and loadout equipment; **or**

(c) Is a temporary installation used for temporary storage as a result of exceptional events (e.g., natural disasters or abundant harvests exceeding available storage capacity) that meets the following criteria:

I. Outside storage structures shall have a crushed lime or concrete floor with retaining walls of either constructed metal or concrete block. These structures may be either oval or round and must be covered with tarps while storing grain. These structures may be filled by portable conveyor or by spouts added from existing equipment;

II. Existing buildings may be filled by portable conveyors directly or by overhead fill conveyors that are already in the buildings;

III. The potential to emit from the storage structures is less than one hundred (100) tons of each pollutant;

IV. The attainment or maintenance of ambient air quality standards is not threatened; and

V. There is no significant impact on any Class I area.

F. Restaurants and other retail establishments for the purpose of preparing food for employee and guest consumption;

G. Any wet sand and gravel production facility that obtains its material from subterranean and subaqueous beds where the deposits of sand and gravel are consolidated granular materials resulting from natural disintegration of rock and stone and whose maximum production rate is less than five hundred (500) tons per hour. All permanent in-plant roads shall be paved and cleaned, or watered, or properly treated with dust-suppressant chemicals as necessary to achieve good engineering control of dust emissions. Only natural gas shall be used as a fuel when drying;

H. Equipment solely installed for the purpose of controlling fugitive dust;

I. Equipment or control equipment which eliminates all emissions to the ambient air;

J. Equipment, including air pollution control equipment, but not including an anaerobic lagoon, that emits odors but no regulated air pollutants;

K. Residential wood heaters, cookstoves**,** or fireplaces;

L. Laboratory equipment used exclusively for chemical and physical analysis or experimentation, except equipment used for controlling radioactive air contaminants;

M. Recreational fireplaces;

N. Stacks or vents to prevent the escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste do not qualify for this exemption;

O. Noncommercial incineration of dead animals, the on-site incineration of resident animals for which no consideration is received or commercial profit is realized as authorized in section 269.020.6, RSMo 2000;

P. The following miscellaneous activities:

(I) Use of office equipment and products, not including printing establishments or businesses primarily involved in photographic reproduction. This exemption is solely for office equipment that is not part of the manufacturing or production process at the installation;

(II) Tobacco smoking rooms and areas;

(III) Hand-held applicator equipment for hot melt adhesives with no volatile organic compound (VOC) in the adhesive formula;

(IV) Paper trimmers and binders;

(V) Blacksmith forges, drop hammers, and hydraulic presses;

(VI) Hydraulic and hydrostatic testing equipment; and

(VII) Environmental chambers, shock chambers, humidity chambers, and solar simulators provided no hazardous air pollutants are emitted by the process;

Q. The following internal combustion engines:

(I) Portable electrical generators that can be moved by hand without the assistance of any motorized or non-motorized vehicle, conveyance**,** or device;

(II) Spark ignition or diesel fired internal combustion engines used in conjunction with pumps, compressors, pile drivers, welding, cranes, and wood chippers or internal combustion engines or gas turbines of less than two hundred fifty (250) horsepower rating; and

(III) Laboratory engines used in research, testing, or teaching;

R. The following quarries, mineral processing, and biomass facilities:

(I) Drilling or blasting activities;

(II) Concrete or aggregate product mixers or pug mills with a maximum rated capacity of less than fifteen (15) cubic yards per hour;

(III) Riprap production processes consisting only of a grizzly feeder, conveyors, and storage, not including additional hauling activities associated with riprap production;

(IV) Sources at biomass recycling, composting, landfill, publicly owned treatment works (POTW), or related facilities specializing in the operation of, but not limited to**,** tub grinders powered by a motor with a maximum output rating of ten (10) horsepower, hoggers and shredders and similar equipment powered by a motor with a maximum output rating of twenty-five (25) horsepower, and other sources at such facilities with a total throughput less than five hundred (500) tons per year; and

(V) Land farming of soils contaminated only with petroleum fuel products where the farming beds are located a minimum of three hundred feet (300') from the property boundary;

S. The following kilns and ovens:

(I) Kilns with a firing capacity of less than ten (10) million Btus per hour used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity, or any combination thereof; and

(II) Electric ovens or kilns used exclusively for curing or heat-treating provided no hazardous air pollutants (HAPs) or VOCs are emitted;

T. The following food and agricultural equipment:

(I) Any equipment used in agricultural operations to grow crops;

(II) Equipment used exclusively to slaughter animals. This exemption does not apply to other slaughterhouse equipment such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment;

(III) Commercial smokehouses or barbecue units in which the maximum horizontal inside cross-sectional area does not exceed twenty (20) square feet;

(IV) Equipment used exclusively to grind, blend, package, or store tea, cocoa, spices**,** or coffee;

(V) Equipment with the potential to dry, mill, blend, grind, or package less than one thousand (1,000) pounds per year of dry food products such as seeds, grains, corn, meal, flour, sugar, and starch;

(VI) Equipment with the potential to convey, transfer, clean, or separate less than one thousand (1,000) tons per year of dry food products or waste from food production operations;

(VII) Storage equipment or facilities containing dry food products that are not vented to the outside atmosphere or which have the potential to handle less than one thousand (1,000) tons per year;

(VIII) Coffee, cocoa, and nut roasters with a roasting capacity of less than fifteen (15) pounds of beans or nuts per hour, and any stoners or coolers operated with these roasters;

(IX) Containers, reservoirs, tanks, or loading equipment used exclusively for the storage or loading of beer, wine, or other alcoholic beverages produced for human consumption;

(X) Brewing operations at facilities with the potential to produce less than three (3) million gallons of beer per year; and

(XI) Fruit sulfuring operations at facilities with the potential to produce less than ten (10) tons per year of sulfured fruits and vegetables;

U. Batch solvent recycling equipment provided the recovered solvent is used primarily on-site, the maximum heat input is less than one (1) million Btus per hour, the batch capacity is less than one hundred fifty (150) gallons, and there are no solvent vapor leaks from the equipment which exceed five hundred (500) parts per million;

V. The following surface coating and printing operations:

(I) Batch mixing of inks, coatings, or paints provided good housekeeping is practiced, spills are cleaned up as soon as possible, equipment is maintained according to manufacturer's instruction and property is kept clean. In addition, all waste inks, coating, and paints shall be disposed of properly. Prior to disposal**,** all liquid waste shall be stored in covered containers. This exemption does not apply to ink, coatings, or paint manufacturing facilities;

(II) Any powder coating operation, or radiation cured coating operation where ultraviolet or electron beam energy is used to initiate a reaction to form a polymer network;

(III) Any surface-coating source that employs solely nonrefillable hand-held aerosol cans; and

(IV) Surface coating operations utilizing powder coating materials with the powder applied by an electrostatic powder spray gun or an electrostatic fluidized bed;

W. The following metal working and handling equipment:

(I) Carbon dioxide (CO_2) lasers, used only on metals and other materials that do not emit a HAP or VOC in the process;

(II) Laser trimmers equipped with dust collection attachments;

(III) Equipment used for pressing or storing sawdust, wood chips, or wood shavings;

(IV) Equipment used exclusively to mill or grind coatings and molding compounds in a paste form provided the solution contains less than one percent (1%) VOC by weight;

(V) Tumblers used for cleaning or deburring metal products without abrasive blasting;

(VI) Batch mixers with a rated capacity of fifty-five (55) gallons or less provided the process will not emit hazardous air pollutants;

(VII) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives provided the process will not emit hazardous air pollutants;

(VIII) Equipment used exclusively for the packaging of lubricants or greases;

(IX) Platen presses used for laminating provided the process will not emit hazardous air pollutants;

(X) Roll mills or calendars for rubber or plastics provided the process will not emit hazardous air pollutants;

(XI) Equipment used exclusively for the melting and applying of wax containing less than one percent (1%) VOC by weight;

(XII) Equipment used exclusively for the conveying and storing of plastic pellets; and

(XIII) Solid waste transfer stations that receive or load out less than fifty (50) tons per day of nonhazardous solid waste;

X. The following liquid storage and loading equipment:

(I) Storage tanks and vessels having a capacity of less than five hundred (500) gallons; and

(II) Tanks, vessels, and pumping equipment used exclusively for the storage and dispensing of any aqueous solution which contains less than one percent (1%) by weight of organic compounds. Tanks and vessels storing the following materials are not exempt:

(a) Sulfuric or phosphoric acid with an acid strength of more than ninety-nine percent (99.0%) by weight;

(b) Nitric acid with an acid strength of more than seventy percent (70.0%) by weight;

(c) Hydrochloric or hydrofluoric acid with an acid strength of more than thirty percent (30.0%) by weight; or

(d) More than one **(1)** liquid phase, where the top phase contains more than one percent (1%) VOC by weight;

Y. The following chemical processing equipment or operations:

(I) Storage tanks, reservoirs, pumping, and handling equipment, and mixing and packaging equipment containing or processing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized; and

(II) Batch loading and unloading of solid phase catalysts;

Z. Body repair and refinishing of motorcycle, passenger car, van, light truck**,** and heavy truck and other vehicle body parts, bodies, and cabs, provided—

(I) Good housekeeping is practiced; spills are cleaned up as soon as possible, equipment is maintained according to manufacturers' instructions, and property is kept clean. In addition, all waste coatings, solvents, and spent automotive fluids including, but not limited to, fuels, engine oil, gear oil, transmission fluid, brake fluid, antifreeze, fresh or waste fuels, and spray booth filters or water wash sludge are disposed of properly. Prior to disposal, all liquid waste

shall be stored in covered containers. All solvents and cleaning materials shall be stored in closed containers;

(II) All spray coating operations shall be performed in a totally enclosed filtered spray booth or totally enclosed filtered spray area with an air intake area of less than one hundred (100) square feet. All spray areas shall be equipped with a fan which shall be operated during spraying, and the exhaust air shall either be vented through a stack to the atmosphere or the air shall be recirculated back into the shop through a carbon adsorption system. All carbon adsorption systems shall be properly maintained according to the manufacturer's operating instructions, and the carbon shall be replaced at the manufacturer's recommended intervals to minimize solvent emissions; and

(III) Spray booth, spray area, and preparation area stacks shall be located at least eighty feet (80') away from any residence, recreation area, church, school, child care facility, or medical or dental facility;

AA. Sawmills processing no more than twenty-five (25) million board feet, green lumber tally of wood per year, in which no mechanical drying of lumber is performed, in which fine particle emissions are controlled through the use of properly engineered baghouses or cyclones, and which meet all of the following provisions:

(I) The mill shall be located at least five hundred feet (500') from any recreational area, school, residence, or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the installation is located;

(II) All sawmill residues (sawdust, shavings, chips, bark) from debarking, planing, saw areas, etc., shall be removed or contained to minimize fugitive particulate emissions. Spillage of wood residues shall be cleaned up as soon as possible and contained such that dust emissions from wind erosion and/or vehicle traffic are minimized. Disposal of collected sawmill residues must be accomplished in a manner that minimizes residues becoming airborne. Disposal by means of burning is prohibited unless it is conducted in a permitted incinerator; and

(III) All open-bodied vehicles transporting sawmill residues (sawdust, shavings, chips, bark) shall be covered with a tarp to achieve maximum control of particulate emissions;

BB. Internal combustion engines and gas turbine driven compressors, electric generator sets, and water pumps, used only for portable or emergency services, provided that the maximum annual operating hours shall not exceed five hundred (500) hours. Emergency generators are exempt only if their sole function is to provide back-up power when electric power from the local utility is interrupted. This exemption only applies if the emergency generators are operated only during emergency situations and for short periods of time to perform maintenance and operational readiness testing. The emergency generator shall be equipped with a non-resettable meter;

CC. Commercial dry cleaners; and

DD. Carving, cutting, routing, turning, drilling, machining, sawing, sanding, planing, buffing, or polishing solid materials, other than materials containing any asbestos, beryllium, or lead greater than one percent (1%) by weight as determined by Material Safety Data Sheets (MSDS), vendor material specifications and/or purchase order specifications, where equipment—

(I) Directs a stream of liquid at the point where material is processed;

(II) Is used only for maintenance or support activity not conducted as part of the installation's primary business activity;

(III) Is exhausted inside a building; or

(IV) Is ventilated externally to an operating cyclonic inertial separator (cyclone), baghouse, or dry media filter. Other particulate control devices such as electrostatic precipitators or scrubbers are subject to construction permitting or a permit-by-rule, unless otherwise exempted.

3. Construction or modifications are exempt from 10 CSR 10-6.060 if they meet the requirements of subparagraph*[s]* (3)(A)3.B. of this rule for each hazardous air pollutant and the requirements of subparagraph (3)(A)3.A., (3)(A)3.C., or (3)(A)3.D. of this rule for each criteria pollutant. The director may require review of construction or modifications otherwise exempt under paragraph (3)(A)3. of this rule if the emissions of the proposed construction or modification will appreciably affect air quality or the air quality standards are appreciably exceeded or complaints involving air pollution have been filed in the vicinity of the proposed construction or modification.

A. At maximum design capacity the proposed construction or modification shall emit each pollutant at a rate of no more than the amount specified in Table 1.

TABLE 1. Insignificant Emission Exemption Levels

Pollutant	Insignificance Level (lbs per hr)
Particulate Matter 10 Micron (PM_{10}) (Emitted solely by equipment)	1.0
Sulfur Oxides (SO_x)	2.75
Nitrogen Oxides (NO_x)	2.75
Volatile Organic Compounds (VOCs)	2.75
Carbon Monoxide (CO)	6.88

B. At maximum design capacity, the proposed construction or modification will emit a hazardous air pollutant at a rate of no more than one-half (0.5) pound per hour, or the hazardous emission threshold as established in subsection (12)(J) of 10 CSR 10-6.060, whichever is less.

C. Actual emissions of each criteria pollutant, except lead, will be no more than eight hundred seventy-six (876) pounds per year.

D. Actual emissions of volatile organic compounds that do not contain hazardous air pollutants will be no more than four (4) tons per year.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed March 5, 2003, effective Oct. 30, 2003. Amended: Filed July 1, 2004, effective Feb. 28, 2005. Amended: Filed Dec. 1, 2005, effective July 30, 2006. Amended: Filed Oct. 1, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., December 4, 2008. The public hearing will be held at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., December 11, 2008. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—*[Public] Safe* Drinking Water *[Program] Commission*
Chapter 2—Definitions

PROPOSED AMENDMENT

10 CSR 60-2.015 Definitions. The commission is amending subsections (2)(B), (C), (D), (F), (G), (L), (M), (P), (T), (U), and (W).

PURPOSE: This amendment adopts new definitions required by the Long-Term 2 Enhanced Surface Water Treatment Rule published in 71 FR 653 (January 5, 2006) and Stage 2 Disinfectants/Disinfection By-Products Rule published in 71 FR 387 (January 4, 2006). The definitions are adopted from the federal rules without variance.

(2) Definitions.

(B) Terms beginning with the letter B.

1. Backflow. The undesirable reversal of flow of water or mixtures of water and other liquids, gases**,** or other substances into the public water system from any source(s).

2. Backflow hazard. Any facility which, because of the nature and extent of activities on the premises or the materials used in connection with the activities or stored on the premises, would present an actual or potential health hazard to customers of the public water system or would threaten to degrade the water quality of the public water system should backflow occur.

A. Class I backflow hazard. A backflow hazard which presents an actual or potential health hazard to customers of the public water system should backflow occur. A list of customer facilities, not all inclusive, considered to be Class I backflow hazards is included in 10 CSR 60-11.010.

B. Class II backflow hazard. A backflow hazard which would threaten to degrade the water quality of the public water system should backflow occur. A list of customer facilities, not all inclusive, considered to be Class II backflow hazards is included in 10 CSR 60-11.010.

3. Backflow prevention assembly. An assembly designed to prevent the reverse flow of water or other substances from a customer facility back into the public water distribution system. See also definitions of air-gap separation, double check valve**,** and reduced pressure principle backflow prevention assembly.

4. Backflow prevention assembly tester. A person who utilizes recognized backflow prevention assembly testing procedures to determine whether or not an assembly is functioning properly. Requirements for backflow prevention assembly tester certification are in 10 CSR 60-11.

5. Bag filters. Pressure-driven separation devices that remove particulate matter larger than one (1) micrometer using an engineered porous filtration media. They are typically constructed of a non-rigid, fabric filtration media housed in a pressure vessel in which the direction of flow is from the inside of the bag to the outside.

6. Bank filtration. Water treatment process that uses a well to recover surface water that has naturally infiltrated into ground water through a river bed or bank(s). Infiltration is typically enhanced by the hydraulic gradient imposed by a nearby pumping water supply or other well(s).

*[5.]***7.** Best available technology. The best technology, treatment**,** or other means which the department finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available (taking cost into consideration). For the purpose of setting maximum contaminant levels for synthetic organic chemicals, any best available technology must be at least as effective as granular activated carbon.

*[6.]***8.** Beta particle. A particle, identical with an electron, emitted from the nucleus of a radioactive element.

*[7.]***9.** Breakpoint chlorination. The point at which sufficient chlorine has been applied to water to satisfy the chlorine demand which should result in a total chlorine residual of at least seventy-five percent (75%) free available chlorine.

(C) Terms beginning with the letter C.

1. Cartridge filters. Pressure-driven separation devices that remove particulate matter larger than one (1) micrometer using an engineered porous filtration media. They are typically constructed as rigid or semi-rigid, self-supporting filter elements housed in pressure vessels in which flow is from the outside of the cartridge to the inside.

*[1.]***2.** Certificate. The certificate of competency issued by the department stating that a person has met the requirements for the specified operator classification of the certification program under the provisions of 10 CSR 60-14.020.

*[2.]***3.** Certificate of examination. A certificate issued to a person who passes a written examination but does not meet the experience requirements for the classification of examination taken.

*[3.]***4.** Chief operator. The person designated by the owner of a public water system to have direct, on-site responsibility for the operation of a water treatment plant or water distribution system, or both.

*[4.]***5.** Chloramines. All amino or imino groups in which the hydrogen has been replaced totally or in part by chlorine.

*[5.]***6.** Class I backflow hazard. See backflow hazard.

*[6.]***7.** Class II backflow hazard. See backflow hazard.

*[7.]***8.** Coagulation. A process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

*[8.]***9.** Combined chlorine residual. That portion of the total chlorine residual which is not free available chlorine.

10. Combined distribution system. The interconnected distribution system consisting of the distribution systems of wholesale systems and of the consecutive systems that receive finished water.

*[9.]***11.** Community water system. A public water system which serves at least fifteen (15) service connections and is operated on a year-round basis or regularly serves at least twenty-five (25) residents on a year-round basis.

*[10.]***12.** Compliance cycle. The nine (9)-year calendar year cycle during which public water systems must monitor. Each compliance cycle consists of three (3), three (3)-year compliance periods. The first calendar year cycle begins January 1, 1993 and ends December 31, 2001; the second begins January 1, 2002 and ends December 31, 2010; and the third begins January 1, 2011 and ends December 31, 2019.

*[11.]***13.** Compliance period. A three (3)-year calendar year period within a compliance cycle. Each compliance cycle has three (3), three (3)-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993 to December 31, 1995; the second from January 1, 1996 to December 31, 1998; and the third from January 1, 1999 to December 31, 2001.

*[12.]***14.** Confluent growth. A continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion of the area, in which bacterial colonies are not discrete.

15. Consecutive system. A public water system that receives some or all of its finished water from one (1) or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one (1) or more consecutive systems.

*[13.]***16.** Consolidated formations. Earth material which has been created by geological processes, cemented or compacted into a coherent or firm mass.

*[14.]***17.** Containment. Protection of the public water system by installation of a department-approved backflow prevention assembly or air-gap separation at the user connection from the main service line(s).

*[15.]***18.** Contaminant. Any physical, chemical, biological**,** or radiological substances or matter in water including, but not limited

to, those substances for which maximum contaminant levels are established by the department.

*[16.]***19.** Conventional filtration treatment. A series of treatment processes including coagulation, flocculation, sedimentation**,** and filtration resulting in substantial particulate removal.

A. Required treatment for ground water systems under the direct influence of surface water. One (1) stage of treatment must be provided as follows: rapid mix, flocculation**,** and sedimentation followed by filtration. Disinfection also shall be provided. Raw water quality characteristics may require additional treatment.

B. Required treatment for surface water systems. Two (2) stages of treatment must be provided as follows: primary rapid mix, flocculation**,** and sedimentation followed by secondary rapid mix, flocculation**,** and sedimentation, operated in series, followed by filtration and disinfection contact storage. Raw water quality characteristics may require additional treatment.

*[17.]***20.** Corrosion inhibitor. A substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

*[18.]***21.** Cross-connection. Any actual or potential connection or structural arrangement between a public water system and any other source or system through which it is possible to introduce into any part of the public water system any used water, industrial fluid, gas**,** or substance other than the intended potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or change-over devices**,** and other temporary or permanent devices through which or because of which, backflow can or may occur are considered to be cross-connections.

*[19.]***22.** CT. The product of the residual disinfectant concentration (C) in milligrams per liter (mg/l) determined before or at the first customer and the corresponding disinfectant contact time (T) in minutes (that is, C multiplied by T (C × T)). (See also residual disinfectant concentration and disinfectant contact time.)

*[20.]***23.** Customer. Any person who receives water from a public water system.

*[21.]***24.** Customer service line. The pipeline from the public water system to the first tap, fixture, receptacle**,** or other point of customer water use or to the first auxiliary water system or pipeline branch in a building.

*[22.]***25.** Customer water system. All piping, fixtures**,** and appurtenances, including auxiliary water systems, used by a customer to convey water on his/her premises.

(D) Terms beginning with the letter D.

1. Department. The Missouri Department of Natural Resources.

2. Department of Health. The Missouri Department of Health and Senior Services.

3. Director. The director of the Missouri Department of Natural Resources.

4. Disinfectant. Includes, but is not limited to, chlorine, chlorine dioxide, chloramines**,** and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

5. Disinfectant contact time. The "T" in the equation CT. The time in minutes that it takes for water to move from the point of disinfectant application or the previous point of disinfectant residual measurement to a point before or at the point where residual disinfectant concentration (C) is measured as determined by a department-approved study as outlined in the *Missouri Guidance Manual for Surface Water System Treatment Requirements,* 1992.

6. Disinfection. A process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

7. Domestic or other nondistribution system plumbing problem. A coliform contamination problem in a public water system with more than one (1) service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

8. Dose equivalent. The product of the absorbed dose from ionizing radiation and factors that account for difference in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission of Radiological Units and Measurements (ICRU).

9. Double check valve assembly. A backflow prevention assembly composed of two (2) single, independently acting, internally spring loaded, approved check valves including tightly closing resilient-seated shutoff valves located at each end of the assembly and fitted with properly located test cocks.

10. Dual sample set. A set of two (2) samples collected at the same time and same location, with one (1) sample analyzed for total trihalomethanes (TTHM) and the other sample analyzed for halocetic acids 5 (HAA5). Dual sample sets are collected for the purposes of conducting an initial distribution system evaluation (IDSE) and determining compliance with the TTHM and HAA5 maximum contaminant levels (MCLs) under Stage 2 Disinfectants/Disinfection By-Products requirements.

(F) Terms beginning with the letter F.

1. Facility. A single tract or contiguous tracts of land and any *improvements* on them, upon which one (1) or more service connections are located, and which, except for easements and public right-of-way, are wholly owned, leased**,** or otherwise subject to the control of the customer.

2. Filter profile. A graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

3. Filtration. A process for removing particulate matter from water by passage through porous media.

4. Finished water. Water that is introduced into the distribution system of a public water system and is intended for distribution and consumption without further treatment, except treatment necessary to maintain water quality in the distribution system (for example, booster disinfection, addition of corrosion control chemicals).

*[4.]***5.** Finished water storage facility. A tank, reservoir, or other man-made facility used to store potable water that will undergo no further treatment except residual disinfection.

*[5.]***6.** First draw sample. A one (1) liter sample of tap water, collected in accordance with the lead and copper provisions of these rules only, that has been standing in plumbing pipes at least six (6) hours and is collected without flushing the tap.

*[6.]***7.** Flocculation. A process to enhance the collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

8. Flowing stream. A course of running water flowing in a definite channel.

(G) Terms beginning with the letter G.

1. GAC10. Granular activated carbon filter beds with an empty-bed contact time of ten (10) minutes based on average daily flow and a carbon reactivation frequency of every one hundred eighty (180) days**, except that the reactivation frequency for GAC10 used as a best available technology for compliance with Stage 2 Disinfectants/Disinfection By-Products is one hundred twenty (120) days**.

2. GAC20. Granular activated carbon filter beds with an empty-bed contact time of twenty (20) minutes based on average daily flow and a carbon reactivation frequency of every two hundred forty (240) days.

*[2.]***3.** Gross alpha particle activity. The total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

*[3.]***4**. Gross beta particle activity. The total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

*[4.]***5.** Ground water under the direct influence of surface water (GWUDISW). Any water beneath the surface of the ground with either of the following:

A. Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity**,** or pH which closely correlate to climatological or surface water conditions. Direct influence must be determined for individual sources in accordance with criteria established by the department. The department's determination of direct influence may be used on site-specific measurements of water quality or documentation of well construction characteristics, or both, and geology with field evaluation; or

B. Significant occurrence of insects or other macroorganisms, algae**,** or large-diameter pathogens such as *Giardia lamblia* or *Cryptosporidium*.

(L) Terms beginning with the letter L.

1. Lake/reservoir. A natural or man-made basin or hollow on the Earth's surface in which water collects or is stored that may or may not have a current or single direction of flow.

*[1.]***2.** Lead service line. A service line made of lead which connects the water main to the building inlet and any lead pigtail gooseneck or other fitting which is connected to that lead line.

*[2.]***3.** *Legionella*. A genus of bacteria some species of which have caused a type of pneumonia called Legionnaires disease.

*[3.]***4.** Lime softening. The application of lime to reduce the concentrations of calcium and magnesium and, to a lesser extent, iron, manganese**,** or radionuclides from source water.

5. Locational running annual average (LRAA). The average of sample analytical results for samples taken at a particular monitoring location during the previous four (4) calendar quarters.

(M) Terms beginning with the letter M.

1. Man-made beta particle and photon emitters. All radionuclides emitting beta particles, photons, or both, except the daughter products of thorium 232, uranium 235**,** and uranium 238, listed in the EPA Implementation Guidance for Radionuclides, Appendix J.

2. Maximum contaminant level (MCL). The maximum permissible level, as established in 10 CSR 60-4, of a contaminant in any water which is delivered to any user of a public water system.

3. Maximum contaminant level goal (MCLG). A level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur and which allows an adequate margin of safety. MCLGs are nonenforceable health goals.

4. Maximum residual disinfectant level (MRDL). A level of a disinfectant that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects.

5. Maximum residual disinfectant level goal (MRDLG). The maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants.

6. Maximum total trihalomethane potential (MTTHMP). The maximum concentration of total trihalomethanes produced in a given water containing a disinfectant residual after seven (7) days at a temperature of twenty-five degrees Celsius (25°C) or above.

7. Membrane filtration. Pressure or vacuum driven separation process in which particulate matter larger than one (1) micrometer is rejected by an engineered barrier, primarily through a size-exclusion mechanism, and which has a measurable removal efficiency of a target organism that can be verified through the application of a direct integrity test. This definition includes the common membrane technologies of microfiltration, ultrafiltration, nanofiltration, and reverse osmosis.

*[7.]***8.** Missouri Safe Drinking Water Law. The *Revised Statutes of Missouri*, sections 640.100 through 640.140.

(P) Terms beginning with the letter P.

1. Person. Any individual, partnership, co-partnership, firm, company, public or private corporation, association, homeowners' association, joint stock company, trust, estate, political subdivision or any agency, board, department**,** or bureau of the state or federal government, or any other legal entity whatever, which is recognized by law as the subject of rights and duties.

2. Picocurie (pCi). The quantity of radioactive material producing 2.22 nuclear transformations per minute.

3. Plant intake. The works or structures at the head of a conduit through which water is diverted from a source (for example, river or lake) into the treatment plant.

*[3.]***4.** Point of entry treatment device (POE). A treatment device applied to the drinking water entering a house or other building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

*[4.]***5.** Point of use treatment device (POU). A treatment device applied to a single tap for the purpose of reducing contaminants in the drinking water at that tap.

6. Presedimentation. A preliminary treatment process used to remove gravel, sand, and other particulate material from the source water through settling before the water enters the primary clarification and filtration processes in a treatment plant.

*[5.]***7.** Primary public water system. A public water system which obtains its source of water directly from a well, infiltration gallery, lake, reservoir, river, spring**,** or stream.

*[6.]***8.** Public water system. A system for the provision to the public of piped water for human consumption, if the system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. The system includes any collection, treatment, storage**,** or distribution facilities used in connection with the system. A public water system is either a community water system or a noncommunity water system.

(T) Terms beginning with the letter T.

1. Too numerous to count (TNTC). The total number of bacterial colonies exceeds two hundred (200) on a forty-seven millimeter (47 mm) diameter membrane filter used for coliform detection.

2. Total organic carbon (TOC). Total organic carbon in milligrams per liter (mg/l) measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two (2) significant figures.

3. Total trihalomethanes (TTHM). The sum of the concentration in mg/l of the trihalomethane compounds, trichloromethane (chloroform), dibromochloromethane, bromodichloromethane**,** and tribromomethane (bromoform), rounded to two (2) significant figures.

4. Transient noncommunity water system. A public water system that is not a community water system, which has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

5. Treated water. Water which is handled or processed in any manner to change the physical, chemical, biological**,** or radiological content and includes water exposed to the atmosphere by aeration.

6. Trihalomethane (THM). One (1) of the family of organic compounds, named as derivatives of methane, where three (3) of the four (4) hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.

7. Two (2)-stage lime softening. A process in which chemical addition and hardness precipitation occur in each of two (2) distinct unit clarification processes in series prior to filtration.

(U) Terms beginning with the letter U.

1. Unconsolidated formations. Earth material (sand, gravel, silt, clay) which is uncemented and uncompacted and which has been deposited by a natural process. This material retains loose or relatively soft physical characteristics.

2. Uncovered finished water storage facility. A tank, reservoir, or other facility used to store water that will undergo no further treatment to reduce microbial pathogens except residual disinfection and is directly open to the atmosphere. (Note: uncovered finished water storage facilities are prohibited under 10 CSR 60-4.080(7).)

(W) Terms beginning with the letter W.

1. Water distribution system. All piping, conduits, valves, hydrants, storage facilities, pumps**,** and other appurtenances, excluding service connections, which serve to deliver water from a water treatment plant or water supply source to the public.

2. Water system. All sources from which water is derived for drinking or domestic use by the public, also all structures, conduits**,** and appurtenances by means of which water for use is treated, stored**,** or delivered to consumers, except service connections from water distribution systems to buildings and plumbing within or in connection with buildings served.

3. Water supply source. All sources of water supply including wells, infiltration galleries, springs, reservoirs, lakes, streams**,** or rivers from which water is derived for public water systems, including the structures, conduits, pumps**,** and appurtenances used to withdraw water from the source or to store or transport water to the water treatment facility or water distribution system.

4. Water treatment facility. A facility which uses specific processes such as sedimentation, coagulation, filtration, disinfection, aeration, oxidation, ion exchange, fluoridation**,** or other processes which serve to add components or to alter or remove contaminants from a water supply source.

5. Waterborne disease outbreak. The significant occurrence of acute infectious illness associated with the ingestion of water as declared by the Department of Health **and Senior Services**.

6. Wholesale system. A public water system that treats source water as necessary to produce finished water and then delivers some or all of that finished water to another public water system. Delivery may be through a direct connection or through the distribution system of one (1) or more consecutive systems.

*AUTHORITY: section 640.100, RSMo Supp. [2002] **2007**. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 1, 2008.*

PUBLIC COST: This proposed amendment will cost state agencies and other political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this rulemaking at 10 a.m. on Dec. 9, 2008, at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. The hearing will be preceded by an information meeting beginning at 9:30 a.m. at the same location.

*Anyone may submit comments in support of or opposition to this proposed amendment. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language.*

The commission is also accepting written comments on this rulemaking. Written comments must be postmarked or received by Dec. 31, 2008. Written comments must be mailed or faxed to: Ms. Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102-0176. The fax number is (573) 751-3110.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—*[Public] Safe* Drinking Water *[Program] Commission*
Chapter 4—Contaminant Levels and Monitoring

PROPOSED RULE

10 CSR 60-4.052 Source Water Monitoring and Enhanced Treatment Requirements

*PURPOSE: This rule establishes source water monitoring requirements and enhanced treatment for **Cryptosporidium** for surface water systems and systems under the direct influence of surface water. These requirements are in addition to requirements for filtration and disinfection in 10 CSR 60-4.050 and 10 CSR 60-4.055. This rule adopts the requirements found in subpart W of 40 CFR part 141.*

(1) Enhanced Treatment for *Cryptosporidium* General Requirements.

(A) The requirements of this rule are national primary drinking water regulations. The regulations in this rule establish or extend treatment technique requirements in lieu of maximum contaminant levels for *Cryptosporidium*. These requirements are in addition to requirements for filtration and disinfection in 10 CSR 60-4.050 and 10 CSR 60-4.055.

(B) Applicability.

1. The requirements of this rule apply to all public water systems supplied by a surface water source and public water systems supplied by a ground water source under the direct influence of surface water.

2. Wholesale systems, as defined in 10 CSR 60-2.015, must comply with the requirements of this rule based on the population of the largest system in the combined distribution system.

(C) Requirements. Systems subject to this rule must comply with the following requirements:

1. Systems must conduct an initial and a second round of source water monitoring for each plant that treats a surface water or ground water under the direct influence of surface water (GWUDISW) source. This monitoring may include sampling for *Cryptosporidium, E. coli,* and turbidity as described in sections (2)–(6) of this rule, to determine what level, if any, of additional *Cryptosporidium* treatment they must provide;

2. Systems that plan to make a significant change to their disinfection practice must develop disinfection profiles and calculate disinfection benchmarks, as described in sections (8)–(9) of this rule;

3. Filtered systems must determine their *Cryptosporidium* treatment bin classification as described in section (10) of this rule and provide additional treatment for *Cryptosporidium,* if required, as described in section (11) of this rule. Filtered systems must implement *Cryptosporidium* treatment according to the schedule in section (12) of this rule;

4. Systems required to provide additional treatment for *Cryptosporidium* must implement microbial toolbox options that are designed and operated as described in sections (13)–(18) of this rule; and

5. Systems must comply with the applicable record keeping and reporting requirements described in 10 CSR 60-7.010 and 10 CSR 60-9.010.

(2) Source Water Monitoring Requirements.

(A) Initial Round of Source Water Monitoring. Systems must conduct the following monitoring on the schedule in subsection (2)(C) of this rule unless they meet the monitoring exemption criteria in subsection (2)(D) of this rule.

1. Filtered systems serving at least ten thousand (10,000) people must sample their source water for *Cryptosporidium, E. coli,* and turbidity at least monthly for twenty-four (24) months.

2. Filtered systems serving fewer than ten thousand (10,000) people must sample their source water for *E. coli* at least once every two (2) weeks for twelve (12) months.

3. A filtered system serving fewer than ten thousand (10,000) people may avoid *E. coli* monitoring if the system notifies the department that it will monitor for *Cryptosporidium* as described in paragraph (2)(A)4. of this rule. The system must notify the department no later than three (3) months prior to the date the system is otherwise required to start *E. coli* monitoring under subsection (2)(C) of this rule.

4. Filtered systems serving fewer than ten thousand (10,000) people must sample their source water for *Cryptosporidium* at least twice per month for twelve (12) months or at least monthly for twenty-four (24) months if they meet one (1) of the following, based on monitoring conducted under paragraphs (2)(A)2. and 3. of this rule.

A. For systems using lake or reservoir sources, the annual mean *E. coli* concentration is greater than 10 *E. coli*/100 mL.

B. For systems using flowing stream sources, the annual mean *E. coli* concentration is greater than 50 *E. coli*/100 mL.

C. The system does not conduct *E. coli* monitoring as described in paragraphs (2)(A)2. and 3. of this rule.

D. Systems using ground water under the direct influence of surface water (GWUDISW) must comply with the requirements of paragraph (2)(A)4. of this rule based on the *E. coli* level that applies to the nearest surface water body. If no surface water body is nearby, the system must comply based on the requirements that apply to systems using lake/reservoir sources.

5. For filtered systems serving fewer than ten thousand (10,000) people, the department may approve monitoring for an indicator other than *E. coli* under paragraph (2)(A)2. of this rule. The department also may approve an alternative to the *E. coli* concentration in subparagraph (2)(A)4.A., B., or D. of this rule to trigger *Cryptosporidium* monitoring. This approval by the department must be provided to the system in writing and must include the basis for the department's determination that the alternative indicator and/or trigger level will provide a more accurate identification of whether a system will exceed the Bin 1 *Cryptosporidium* level in section (10) of this rule.

6. Systems may sample more frequently than required under this section if the sampling frequency is evenly spaced throughout the monitoring period.

(B) Second Round of Source Water Monitoring. Systems must conduct a second round of source water monitoring that meets the requirements for monitoring parameters, frequency, and duration described in subsection (2)(A) of this rule, unless they meet the monitoring exemption criteria in subsection (2)(D) of this rule. Systems must conduct this monitoring on the schedule in subsection (2)(C) of this rule.

(C) Monitoring Schedule. Systems must begin the monitoring required in subsection (2)(A) and subsection (2)(B) of this rule no later than the month beginning with the date listed in this table:

Source Water Monitoring Starting Dates Table

Systems that serve:	Must begin the first round of source water monitoring no later than the month beginning:	And must begin the second round of source water monitoring no later than the month beginning:
At least 100,000 people	October 1, 2006	April 1, 2015
From 50,000 to 99,999	April 1, 2007	October 1, 2015
From 10,000 to 49,999	April 1, 2008	October 1, 2016
Fewer than 10,000 and monitor for E. coli	October 1, 2008	October 1, 2017
Fewer than 10,000 and monitor for *Cryptosporidium* (Applies to filtered systems that meet the conditions of paragraph (2)(A)3. of this rule.)	April 1, 2010	April 1, 2019

(D) Monitoring Avoidance.

1. Filtered systems are not required to conduct source water monitoring under this rule if the system will provide a total of at least 5.5-log of treatment for *Cryptosporidium,* equivalent to meeting the treatment requirements of Bin 4 in section (11) of this rule.

2. If a system chooses to provide the level of treatment in paragraph (2)(D)1. of this rule as applicable, rather than start source water monitoring, the system must notify the department in writing no later than the date the system is otherwise required to submit a sampling schedule for monitoring under section (3) of this rule. Alternatively, a system may choose to stop sampling at any point after it has initiated monitoring if it notifies the department in writing that it will provide this level of treatment. Systems must install and operate technologies to provide this level of treatment by the applicable treatment compliance date in section (12) of this rule.

(E) Plants Operating Only Part of the Year. Systems with plants that operate for only part of the year must conduct source water monitoring in accordance with this rule, but with the following modifications:

1. Systems must sample their source water only during the months that the plant operates unless the department specifies another monitoring period based on plant operating practices.

2. Systems with plants that operate less than six (6) months per year and that monitor for *Cryptosporidium* must collect at least six (6) *Cryptosporidium* samples per year during each of two (2) years of monitoring. Samples must be evenly spaced throughout the period the plant operates.

(F) New Source Requirements.

1. A system that begins using a new source of surface water or GWUDISW after the system is required to begin monitoring under subsection (2)(C) of this rule must monitor the new source on a schedule the department approves. Source water monitoring must meet the requirements of this rule. The system must also meet the bin classification and *Cryptosporidium* treatment requirements of sections (10) and (11) of this rule as applicable, for the new source on a schedule the department approves.

2. The requirements of subsection (2)(F) of this rule apply to surface water systems and ground water under the direct influence of surface water systems that begin operation after the monitoring start date applicable to the system's size under subsection (2)(C) of this rule.

3. The system must begin a second round of source water monitoring no later than six (6) years following initial bin classification under section (10) of this rule.

(G) Failure to collect any source water sample required under this section in accordance with the sampling schedule, sampling location, analytical method, approved laboratory, and reporting requirements of sections (3) through section (6) of this rule is a monitoring violation.

(H) Grandfathering Monitoring Data. Systems may use (grandfather) monitoring data collected prior to the applicable monitoring start date in subsection (2)(C) to meet the initial source water monitoring requirements in subsection (2)(A) of this rule. Grandfathered data may substitute for an equivalent number of months at the end of the monitoring period. All data submitted under subsection (2)(H) must meet the requirements in section (7) of this rule.

(3) Sampling Schedules.

(A) Systems required to conduct source water monitoring under section (2) of this rule must submit a sampling schedule that specifies the calendar dates when the system will collect each required sample.

1. Systems must submit sampling schedules no later than three (3) months prior to the applicable date listed in subsection (2)(C) of this rule for each round of required monitoring.

2. Systems serving at least ten thousand (10,000) people must submit their sampling schedule for the initial round of source water monitoring under subsection (2)(A) of this rule to Environmental Protection Agency (EPA) electronically at the web address specified by EPA for this purpose. If a system is unable to submit the sampling schedule electronically, the system may use an alternative approach for submitting the sampling schedule that EPA approves.

3. Systems serving fewer than ten thousand (10,000) people must submit their sampling schedules for the initial round of source water monitoring in subsection (2)(A) of this rule to the department.

4. Systems must submit sampling schedules for the second round of source water monitoring in subsection (2)(B) of this rule to the department.

5. If EPA or the department does not respond to a system regarding its sampling schedule, the system must sample at the reported schedule.

(B) Systems must collect samples within two (2) days before or two (2) days after the dates indicated in their sampling schedule (that is, within a five (5)-day period around the schedule date) unless one (1) of the conditions of paragraph (3)(B)1. or 2. applies.

1. If an extreme condition or situation exists that may pose danger to the sample collector, or that cannot be avoided and causes the system to be unable to sample in the scheduled five (5)-day period, the system must sample as close to the scheduled date as is feasible unless the department approves an alternative sampling date. The system must submit an explanation for the delayed sampling date to the department concurrent with the shipment of the sample to the laboratory.

2. If a system is unable to report a valid analytical result for a scheduled sampling date due to equipment failure, loss of or damage to the sample, failure to comply with the analytical method requirements, including the quality control requirements in 10 CSR 60-5.010 or the failure of an approved laboratory to analyze the sample, then the system must collect a replacement sample. The system must collect the replacement sample not later than twenty-one (21) days after receiving information that an analytical result cannot be reported for the scheduled date unless the system demonstrates that collecting a replacement sample within this time frame is not feasible or the department approves an alternative resampling date. The system must submit an explanation for the delayed sampling date to the department concurrent with the shipment of the sample to the laboratory.

(C) Systems that fail to meet the criteria of subsection (3)(B) of this rule for any source water sample required under section (2) of this rule must revise their sampling schedules to add dates for collecting all missed samples. Systems must submit the revised schedule to the department for approval prior to when the system begins collecting the missed samples.

(4) Sampling Locations.

(A) Systems required to conduct source water monitoring under section (2) of this rule must collect samples for each plant that treats a surface water or GWUDISW source. Where multiple plants draw water from the same influent, such as the same pipe or intake, the department may approve one set of monitoring results to be used to satisfy the requirements of section (2) of this rule for all plants.

(B) Systems must collect source water samples prior to chemical treatment, such as coagulants, oxidants, and disinfectants, unless the system meets the condition of paragraph (4)(B)1. of this rule.

1. The department may approve a system to collect a source water sample after chemical treatment. To grant this approval, the department must determine that collecting a sample prior to chemical treatment is not feasible for the system and that the chemical treatment is unlikely to have a significant adverse effect on the analysis of the sample.

(C) Systems that recycle filter backwash water must collect source water samples prior to the point of filter backwash water addition.

(D) Bank Filtration Requirements.

1. Systems that receive *Cryptosporidium* treatment credit for bank filtration under 10 CSR 60-4.050(3)(G), as applicable, must collect source water samples in the surface water prior to bank filtration.

2. Systems that use bank filtration as pretreatment to a filtration plant must collect source water samples from the well (i.e., after bank filtration). Use of bank filtration during monitoring must be consistent with routine operational practice. Systems collecting samples after a bank filtration process may not receive treatment credit for the bank filtration under subsection (15)(C) of this rule.

(E) Multiple Sources. Systems with plants that use multiple water sources, including multiple surface water sources and blended surface water and ground water sources, must collect samples as specified in paragraph (4)(E)1. or 2. of this rule The use of multiple sources during monitoring must be consistent with routine operational practice.

1. If a sampling tap is available where the sources are combined prior to treatment, systems must collect samples from the tap.

2. If a sampling tap where the sources are combined prior to treatment is not available, systems must collect samples at each source near the intake on the same day and must follow either subparagraph (4)(E)2.A. or B. of this rule for sample analysis.

A. Systems may take composite samples from each source into one sample prior to analysis. The volume of sample from each source must be weighted according to the proportion of the source in the total plant flow at the time the sample is collected.

B. Systems may analyze samples from each source separately and calculate a weighted average of the analysis results for each sampling date. The weighted average must be calculated by multiplying the analysis result for each source by the fraction the source contributed to total plant flow at the time the sample was collected and then summing these values.

(F) Additional Requirements. Systems must submit a description of their sampling location(s) to the department at the same time as the sampling schedule required under section (3) of this rule. This description must address the position of the sampling location in relation to the system's water source(s) and treatment processes, including pretreatment, points of chemical treatment, and filter backwash recycle. If the department does not respond to a system regarding sampling location(s), the system must sample at the reported location(s).

(5) Approved Laboratories.

(A) *Cryptosporidium*. Systems must have *Cryptosporidium* samples analyzed by a laboratory that is approved under EPA's Laboratory Quality Assurance Evaluation Program for Analysis of *Cryptosporidium* in Water or a laboratory that has been certified for *Cryptosporidium* analysis by an equivalent state laboratory certification program.

(B) *E. Coli*. Any laboratory certified by the EPA, the National Environmental Laboratory Accreditation Conference, or the department for total coliform or fecal coliform analysis under 10 CSR 60-5.010(3) is approved for *E. coli* analysis under this rule when the laboratory uses the same technique for *E. coli* that the laboratory uses for 10 CSR 60-5.010(3).

(C) Turbidity. Measurements of turbidity must be made by a party approved by the department.

(6) Reporting Source Water Monitoring Results.

(A) Systems must report results from the source water monitoring required under section (2) of this rule no later than ten (10) days after the end of the first month following the month when the sample is collected.

(B) All systems serving at least ten thousand (10,000) people must report the results from the initial source water monitoring required under subsection (2)(A) of this rule to EPA electronically at the web address specified by EPA for this purpose. If a system is unable to report monitoring results electronically, the system may use an alternative approach for reporting monitoring results that EPA approves.

(C) Systems serving fewer than ten thousand (10,000) people must report results from the initial source water monitoring required under subsection (2)(A) of this rule to the department.

(D) All systems must report results from the second round of source water monitoring required under subsection (2)(B) of this rule to the department.

(E) Systems must report the following applicable information for the source water monitoring required under section (2) of this rule:

1. For each *Cryptosporidium* analysis:

A. Systems must report the following data elements:

(I) Public water system (PWS) ID;

(II) Facility ID;

(III) Sample collection date;

(IV) Sample type (field or matrix spike);

(V) Sample volume filtered (L), to nearest;

(VI) Was one hundred percent (100%) of filtered volume examined; and

(VII) Number of oocysts counted;

B. For matrix spike samples, systems must also report the sample volume spiked and estimated number of oocysts spiked. These data are not required for field samples;

C. For samples in which less than ten (10) L is filtered or less than one hundred percent (100%) of the sample volume is examined, systems must also report the number of filters used and the packed pellet volume; and

D. For samples in which less than one hundred percent (100%) of sample volume is examined, systems must also report the volume of resuspended concentrate and volume of this resuspension processed through immunomagnetic separation; and

2. For each *E. coli* analysis, systems must report the following data elements:

A. PWS ID;

B. Facility ID;

C. Sample collection date;

D. Analytical method number;

E. Method type;

F. Source type (flowing stream, lake/reservoir, GWUDISW);

G. *E. coli*/100 mL; and

H. Turbidity. (Systems serving fewer than ten thousand (10,000) people that are not required to monitor for turbidity under section (2) of this rule are not required to report turbidity with their *E. coli* results.)

(7) Grandfathering Previously Collected Data.

(A) Systems may use previously collected data to comply with the initial source water monitoring requirements of subsection (2)(A) by grandfathering sample results that were collected before the system is required to begin monitoring. To be grandfathered, the sample results and analysis must meet the criteria in this section and must be approved by the department. A filtered system may grandfather *Cryptosporidium* samples to meet the requirements of subsection (2)(A) when the system does not have corresponding *E. coli* and turbidity samples. A system that grandfathers *Cryptosporidium* samples without *E. coli* and turbidity samples is not required to collect *E. coli* and turbidity samples when the system completes the requirements for *Cryptosporidium* monitoring under subsection (2)(A).

(B) *E. Coli* Sample Analysis. The analysis of *E. coli* samples must meet the analytical method and approved laboratory requirements of 10 CSR 60-5.010(3) and section (5) of this rule.

(C) *Cryptosporidium* Sample Analysis. The analysis of *Cryptosporidium* samples must meet the criteria in this subsection.

1. Laboratories must have analyzed *Cryptosporidium* samples using one (1) of these analytical methods:

A. Method 1623: *Cryptosporidium and Giardia in Water by Filtration/IMS/FA,* 2005, United States Environmental Protection Agency, EPA–815–R–05–002;

B. Method 1622: *Cryptosporidium in Water by Filtration/IMS/FA,* 2005, United States Environmental Protection Agency, EPA–815–R–05–001;

C. Method 1623: *Cryptosporidium and Giardia in Water by Filtration/IMS/FA,* 2001, United States Environmental Protection Agency, EPA–821–R–01–025;

D. Method 1622: *Cryptosporidium in Water by Filtration/IMS/FA,* 2001, United States Environmental Protection Agency, EPA–821–R–01–026;

E. Method 1623: *Cryptosporidium and Giardia in Water by Filtration/IMS/ FA,* 1999, United States Environmental Protection Agency, EPA–821–R–99–006; and

F. Method 1622: *Cryptosporidium in Water by Filtration/IMS/FA,* 1999, United States Environmental Protection Agency, EPA–821–R–99–001.

2. For each *Cryptosporidium* sample, the laboratory analyzed at least ten (10) L of sample or at least two (2) mL of packed pellet or as much volume as could be filtered by two (2) filters that EPA approved for the methods listed in paragraph (7)(C)1.

(D) Sampling Location. The sampling location must meet the conditions in section (4) of this rule.

(E) Sampling Frequency. *Cryptosporidium* samples were collected no less frequently than each calendar month on a regular schedule, beginning no earlier than January 1999. Sample collection intervals may vary for the conditions specified in paragraphs (3)(B)1. and 2. of this rule if the system provides documentation of the condition when reporting monitoring results.

1. The department may approve grandfathering of previously collected data where there are time gaps in the sampling frequency if the system conducts additional monitoring the department specifies to ensure that the data used to comply with the initial source water monitoring requirements of subsection (2)(A) of this rule are seasonally representative and unbiased.

2. Systems may grandfather previously collected data where the sampling frequency varied within each month. If the *Cryptosporidium* sampling frequency varied, systems must follow the monthly averaging procedure in paragraph (10)(B)5. of this rule, as applicable, when calculating the bin classification for filtered systems.

(F) Reporting Monitoring Results for Grandfathering. Systems that request to grandfather previously collected monitoring results must report the following information by the applicable dates listed in this subsection. Systems serving at least ten thousand (10,000) people must report this information to EPA unless the department approves reporting to the department rather than EPA. Systems serving fewer than ten thousand (10,000) people must report this information to the department.

1. Systems must report that they intend to submit previously collected monitoring results for grandfathering. This report must specify the number of previously collected results the system will submit, the dates of the first and last sample, and whether a system will conduct additional source water monitoring to meet the requirements of subsection (2)(A) of this rule. Systems must report this information no later than the date the sampling schedule under section (3) of this rule is required.

2. Systems must report previously collected monitoring results for grandfathering, along with the associated documentation listed in the following subparagraphs no later than two (2) months after the applicable date listed in subsection (2)(C) of this rule:

A. For each sample result, systems must report the applicable data elements in section (6) of this rule;

B. Systems must certify that the reported monitoring results include all results the system generated during the time period beginning with the first reported result and ending with the final reported result. This applies to samples that were collected from the sampling location specified for source water monitoring under this rule, not spiked, and analyzed using the laboratory's routine process for the analytical methods listed in this section;

C. Systems must certify that the samples were representative of a plant's source water(s) and the source water(s) have not changed. Systems must report a description of the sampling location(s), which must address the position of the sampling location in relation to the system's water source(s) and treatment processes, including points of chemical addition and filter backwash recycle; and

D. For *Cryptosporidium* samples, the laboratory or laboratories that analyzed the samples must provide a letter certifying that the quality control criteria specified in the methods listed in paragraph (7)(C)1. were met for each sample batch associated with the reported results. Alternatively, the laboratory may provide bench sheets and sample examination report forms for each field, matrix spike, Initial Precision and Recovery (IPR), Ongoing Precision and Recovery (OPR), and method blank sample associated with the reported results.

(G) If the department determines that a previously collected data set submitted for grandfathering was generated during source water conditions that were not normal for the system, such as a drought, the department may disapprove the data. Alternatively, the department may approve the previously collected data if the system reports additional source water monitoring data, as determined by the department, to ensure that the data set used under section (10) of this rule represents average source water conditions for the system.

(H) If a system submits previously collected data that fully meet the number of samples required for initial source water monitoring under subsection (2)(A) of this rule and some of the data are rejected due to not meeting the requirements of this section, systems must conduct additional monitoring to replace rejected data on a schedule the department approves. Systems are not required to begin this additional monitoring until two (2) months after notification that data have been rejected and additional monitoring is necessary.

(8) Disinfection Profiling and Benchmarking Requirements.

(A) Following the completion of initial source water monitoring, a system that plans to make a significant change to its disinfection practice, as defined in this section, must develop disinfection profiles and calculate disinfection benchmarks for *Giardia lamblia* and viruses as described in section (9) of this rule. Prior to changing the disinfection practice, the system must notify the department and must include in this notice the following information:

1. A completed disinfection profile and disinfection benchmark for *Giardia lamblia* and viruses as described in section (9) of this rule;

2. A description of the proposed change in disinfection practice; and

3. An analysis of how the proposed change will affect the current level of disinfection.

(B) Significant changes to disinfection practice are defined as follows:

1. Changes to the point of disinfection;

2. Changes to the disinfectant(s) used in the treatment plant;

3. Changes to the disinfection process; or

4. Any other modification identified by the department as a significant change to disinfection practice.

(9) Developing the Disinfection Profile and Benchmark.

(A) Systems required to develop disinfection profiles under section (8) of this rule must follow the requirements of this section. Systems must monitor at least weekly for a period of twelve (12) consecutive months to determine the total log inactivation for *Giardia lamblia* and viruses. If systems monitor more frequently, the monitoring frequency must be evenly spaced. Systems that operate for fewer than twelve (12) months per year must monitor weekly during the period of operation. Systems must determine log inactivation for *Giardia lamblia* through the entire plant, based on $CT_{99.9}$ values in the Guidance Manual for Surface Water System Treatment Requirements, January 1992, as applicable. Systems must determine log inactivation for viruses through the entire treatment plant based on a protocol approved by the department.

(B) Systems with a single point of disinfectant application prior to the entrance to the distribution system must conduct the monitoring

specified here. Systems with more than one (1) point of disinfectant application must conduct this monitoring for each disinfection segment. Systems must monitor the parameters necessary to determine the total inactivation ratio, using analytical methods in 10 CSR 60-5.010.

1. For systems using a disinfectant other than ultraviolet light (UV), the temperature of the disinfected water must be measured at each residual disinfectant concentration sampling point during peak hourly flow or at an alternative location approved by the department.

2. For systems using chlorine, the pH of the disinfected water must be measured at each chlorine residual disinfectant concentration sampling point during peak hourly flow or at an alternative location approved by the department.

3. The disinfectant contact time(s), (t), must be determined during peak hourly flow.

4. The residual disinfectant concentration(s), (C), of the water before or at the first customer and prior to each additional point of disinfectant application must be measured during peak hourly flow.

(C) In lieu of conducting new monitoring under subsection (9)(B), systems may elect to meet the requirements of paragraph (9)(C)1. or 2.

1. Systems that have at least one (1) year of existing data that are substantially equivalent to data collected under the provisions of subsection (9)(B) may use these data to develop disinfection profiles as specified in this section if the system has neither made a significant change to its treatment practice nor changed sources since the data were collected. Systems may develop disinfection profiles using up to three (3) years of existing data.

2. Systems may use disinfection profile(s) developed under 10 CSR 60-4.055(6)(C) in lieu of developing a new profile if the system has neither made a significant change to its treatment practice nor changed sources since the profile was developed. Systems that have not developed a virus profile under 10 CSR 60-4.055(6)(C) must develop a virus profile using the same monitoring data on which the *Giardia lamblia* profile is based.

(D) Systems must calculate the total inactivation ratio for *Giardia lamblia* as specified here.

1. Systems using only one (1) point of disinfectant application may determine the total inactivation ratio for the disinfection segment based on either of the methods in subparagraph (9)(D)1.A. or B.

A. Determine one (1) inactivation ratio ($CT_{calc}/CT_{99.9}$) before or at the first customer during peak hourly flow.

B. Determine successive $CT_{calc}/ CT_{99.9}$ values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. The system must calculate the total inactivation ratio by determining ($CT_{calc}/CT_{99.9}$) for each sequence and then adding the ($CT_{calc}/ CT_{99.9}$) values together to determine ($\sum$ ($CT_{calc}/CT_{99.9}$)).

2. Systems using more than one (1) point of disinfectant application before the first customer must determine the CT value of each disinfection segment immediately prior to the next point of disinfectant application, or for the final segment, before or at the first customer, during peak hourly flow. The ($CT_{calc}/CT_{99.9}$) value of each segment and ($\sum$ ($CT_{calc}/CT_{99.9}$)) must be calculated using the method in subparagraph (9)(D)1.A. of this section.

3. The system must determine the total logs of inactivation by multiplying the value calculated in paragraph (9)(D)1. or (9)(D)2. by three (3).

4. Systems must calculate the log of inactivation for viruses using a protocol approved by the department.

(E) Systems must use the procedures specified in paragraphs (9)(E)1. and 2. to calculate a disinfection benchmark.

1. For each year of profiling data collected and calculated under subsections (9)(A)–(D) of this rule, systems must determine the lowest mean monthly level of both *Giardia lamblia* and virus inactivation. Systems must determine the mean *Giardia lamblia* and virus inactivation for each calendar month for each year of profiling data by dividing the sum of daily or weekly *Giardia lamblia* and virus log inactivation by the number of values calculated for that month.

2. The disinfection benchmark is the lowest monthly mean value (for systems with one (1) year of profiling data) or the mean of the lowest monthly mean values (for systems with more than one (1) year of profiling data) of *Giardia lamblia* and virus log inactivation in each year of profiling data.

(10) Bin Classification for Filtered Systems.

(A) Following completion of the initial round of source water monitoring required under subsection (2)(A) of this rule, filtered systems must calculate an initial *Cryptosporidium* bin concentration for each plant for which monitoring was required. Calculation of the bin concentration must use the *Cryptosporidium* results reported under subsection (2)(A) of this rule and must follow the procedures in subsection (10)(B) of this rule.

(B) Procedures for Bin Determination.

1. For systems that collect a total of at least forty-eight (48) samples, the bin concentration is equal to the arithmetic mean of all sample concentrations.

2. For systems that collect a total of at least twenty-four (24) samples, but not more than forty-seven (47) samples, the bin concentration is equal to the highest arithmetic mean of all sample concentrations in any twelve (12) consecutive months during which *Cryptosporidium* samples were collected.

3. For systems that serve fewer than ten thousand (10,000) people and monitor for *Cryptosporidium* for only one (1) year (that is, collect twenty-four (24) samples in twelve (12) months), the bin concentration is equal to the arithmetic mean of all sample concentrations.

4. For systems with plants operating only part of the year that monitor fewer than twelve (12) months per year under subsection (2)(E) of this rule, the bin concentration is equal to the highest arithmetic mean of all sample concentrations during any year of *Cryptosporidium* monitoring.

5. If the monthly *Cryptosporidium* sampling frequency varies, systems must first calculate a monthly average for each month of monitoring. Systems must then use these monthly average concentrations, rather than individual sample concentrations, in the applicable calculation for bin classification in paragraphs (10)(B)1.–5. of this rule.

(C) Filtered systems must determine their initial bin classification from the following table and using the *Cryptosporidium* bin concentration calculated under subsections (10)(A)–(B).

Bin Classification Table for Filtered Systems

For systems that are:	Based on calculations in subsection (10)(A) or (10)(B) as applicable with a *Cryptosporidium* bin concentration of:	The bin classification is:
Required to monitor for *Cryptosporidium* under section (2) of this rule.	*Cryptosporidium* <0.075 oocyst/L	Bin 1
	0.075 oocysts/L ≤ *Cryptosporidium* <1.0 oocysts/L	Bin 2
	1.0 oocysts/L ≤*Cryptosporidium* <3.0 oocysts/L	Bin 3
	Cryptosporidium ≥3.0 oocysts/L	Bin 4
Serving fewer than 10,000 people and NOT required to monitor for *Cryptosporidium* under paragraph (2)(A)3.	NA	Bin 1

(D) Following completion of the second round of source water monitoring required under subsection (2)(B), filtered systems must recalculate their *Cryptosporidium* bin concentration using the *Cryptosporidium* results reported under subsection (2)(B) and following the procedures in paragraphs (10)(B)1. through 4. Systems must then redetermine their bin classification using this bin concentration and the table in subsection (10)(C) of this rule.

(E) Reporting Bin Classification Requirements.

1. Filtered systems must report their initial bin classification under subsection (10)(C) to the department for approval no later than six (6) months after the system is required to complete initial source water monitoring based on the schedule in subsection (2)(C) of this rule.

2. Systems must report their bin classification under subsection (10)(D) to the department for approval no later than six (6) months after the system is required to complete the second round of source water monitoring based on the schedule in subsection (2)(C) of this rule.

3. The bin classification report to the department must include a summary of source water monitoring data and the calculation procedure used to determine bin classification.

(F) Failure to comply with the conditions of subsection (10)(E) of this rule is a violation of the treatment technique requirement.

(11) Additional *Cryptosporidium* Treatment Requirements.

(A) Filtered systems must provide the level of additional treatment for *Cryptosporidium* specified in this subsection based on their bin classification as determined under section (10) of this rule and according to the schedule in section (12) of this rule.

If the system bin classification is…	And the system uses the following filtration treatment in full compliance with 10 CSR 60-4.050, 10 CSR 60-4.055, and 10 CSR 60-7.010 (as applicable), then the additional *Cryptosporidium* treatment requirements are……			
	Conventional filtration treatment (including softening)	Direct Filtration	Slow sand or diatomaceous earth filtration	Alternative filtration technologies
Bin 1...	No additional treatment	No additional treatment	No additional treatment	No additional treatment
Bin 2...	1- log treatment	1.5-log treatment	1-log treatment	As determined by the department such that the total *Cryptosporidium* removal and inactivation is at least 4.0-log.
Bin 3...	2- log treatment	2.5-log treatment	2-log treatment	As determined by the department such that the total *Cryptosporidium* removal and inactivation is at least 5.0-log.
Bin 4...	2.5-log treatment	3-log treatment	2.5-log treatment	As determined by the department such that the total *Cryptosporidium* removal and inactivation is at least 5.5-log.

(B) Filtered systems must use one (1) or more of the treatment and management options listed in section (13) of this rule, termed the Microbial Toolbox, to comply with the additional *Cryptosporidium* treatment required in subsection (11)(A) of this rule.

1. Systems classified in Bin 3 and Bin 4 must achieve at least 1-log of the additional *Cryptosporidium* treatment required under subsection (11)(A) of this rule using either one (1) or a combination of the following: bag filters, bank filtration, cartridge filters, chlorine dioxide, membranes, ozone, or UV, as described in sections (14) through section (18) of this rule.

(C) Failure by a system in any month to achieve treatment credit by meeting criteria in sections (14) through section (18) of this rule for microbial toolbox options that is at least equal to the level of treatment required in subsection (11)(A) of this rule is a violation of the treatment technique requirement.

(D) If the department determines during a sanitary survey or an equivalent source water assessment that after a system completed the monitoring conducted under subsection (2)(A) or (2)(B) of this rule, significant changes occurred in the system's watershed that could lead to increased contamination of the source water by *Cryptosporidium,* the system must take actions specified by the department to address the contamination. These actions may include additional source water monitoring and/or implementing microbial toolbox options listed in section (13) of this rule.

(12) Schedule for Compliance With *Cryptosporidium* Treatment Requirements.

(A) Following initial bin classification under subsection (10)(C), filtered systems must provide the level of treatment for *Cryptosporidium* required under section (11) according to the following *Cryptosporidium* treatment compliance dates.

Cryptosporidium Treatment Compliance Dates Table	
Systems that serve…	Must comply with *Cryptosporidium* treatment requirements no later than the following dates, except that the department may allow up to an additional two (2) years for complying with the treatment requirement for systems making capital improvements.
1. At least 100,000 people.	April 1, 2012
2. From 50,000 to 99,999 people.	October 1, 2012
3. From 10,000 to 49,999 people.	October 1, 2013
4. Fewer than 10,000 people.	October 1, 2014

(B) If the bin classification for a filtered system changes following the second round of source water monitoring, as determined under subsection (10)(D) of this rule, the system must provide the level of treatment for *Cryptosporidium* required under section (11) of this rule on a schedule the department approves.

(13) Microbial Toolbox Options for Meeting *Cryptosporidium* Treatment Requirements.

(A) Systems receive the treatment credits listed in the table in subsection (13)(B) of this rule by meeting the conditions for microbial toolbox options described in sections (14) through section (18) of this rule. Systems apply these treatment credits to meet the treatment requirements in section (11) of this rule, as applicable.

(B) The following table summarizes options in the microbial toolbox:

Microbial Toolbox Summary Table: Options, Treatment Credits and Criteria

Toolbox Option	*Cryptosporidium* treatment credit with design and implementation criteria
Source Protection and Management Toolbox Options	
Watershed control program	0.5-log credit for department-approved program comprising required elements, annual program status report to the department, and regular watershed survey. Specific criteria are in subsection (14)(A).
Alternative source/intake management	No prescribed credit. Systems may conduct simultaneous monitoring for treatment bin classification at alternative intake locations or under alternative intake management strategies. Specific criteria are in subsection (14)(B).
Pre-Filtration Toolbox Options	
Presedimentation basin with coagulation	0.5-log credit during any month that presedimentation basins achieve a monthly mean reduction of 0.5-log or greater in turbidity or alternative department-approved performance criteria. To be eligible, basins must be operated continuously with coagulant addition and all plant flow must pass through basins. Specific criteria are in subsection (15)(A).
Two-stage lime softening	0.5-log credit for two-stage softening where chemical addition and hardness precipitation occur in both stages. All plant flow must pass through both stages. Single-stage softening is credited as equivalent to conventional treatment. Specific criteria are in subsection (15)(B).
Bank filtration	0.5-log credit for 25-foot setback; 1.0-log credit for 50-foot setback; aquifer must be unconsolidated sand containing at least 10 percent fines; average turbidity in wells must be less than 1 NTU. Systems using wells followed by filtration when conducting source water monitoring must sample the well to determine bin classification and are not eligible for additional credit. Specific criteria are in subsection (15)(C).
Treatment Performance Toolbox Options	
Combined filter performance	0.5-log credit for combined filter effluent turbidity less than or equal to 0.15 NTU in at least 95 percent of measurements each month. Specific criteria are in subsection (16)(A).
Individual filter performance	0.5-log credit (in addition to 0.5-log combined filter performance credit) if individual filter effluent turbidity is less than or equal to 0.15 NTU in at least 95 percent of samples each month in each filter and is never greater than 0.3 NTU in two consecutive measurements in any filter. Specific criteria are in subsection (16)(B).
Demonstration of performance	Credit awarded to unit process or treatment train based on a demonstration to the department with a department-approved protocol. Specific criteria are in subsection (16)(C).
Bag or cartridge filters (individual filters)	Up to 2-log credit based on the removal efficiency demonstrated during challenge testing with a 1.0-log factor of safety. Specific criteria are in subsection (17)(A).
Bag or cartridge filters (in series)	Up to 2.5-log credit based on the removal efficiency demonstrated during challenge testing with a 0.5-log factor of safety. Specific criteria are in subsection (17)(A).
Membrane filtration	Log credit equivalent to removal efficiency demonstrated in challenge test for device if supported by direct integrity testing. Specific criteria are in subsection (17)(B).

Second stage filtration	0.5-log credit for second separate granular media filtration stage if treatment train includes coagulation prior to first filter. Specific criteria are in subsection (17)(C).
Slow sand filtration	2.5-log credit as a secondary filtration step; 3.0-log credit as a primary filtration process. No prior chlorination for either option. Specific criteria are in subsection (17)(D).
Inactivation Toolbox Options	
Chlorine dioxide	Log credit based on measured CT in relation to CT table. Specific criteria in subsection (18)(B).
Ozone	Log credit based on measured CT in relation to CT table. Specific criteria in subsection (18)(B).
Ultra-violet	Log credit based on validated UV dose in relation to UV dose table; reactor validation testing required to establish UV dose and associated operating conditions. Specific criteria in subsection (18)(D).

(14) Source Toolbox Components.

(A) Watershed Control Program. Systems receive 0.5-log *Cryptosporidium* treatment credit for implementing a watershed control program that meets the requirements of this section.

1. Systems that intend to apply for the watershed control program credit must notify the department of this intent no later than two (2) years prior to the treatment compliance date applicable to the system in section (12) of this rule.

2. Systems must submit to the department a proposed watershed control plan no later than one (1) year before the applicable treatment compliance date in section (12) of this rule. The department must approve the watershed control plan for the system to receive watershed control program treatment credit. The watershed control plan must include the elements in subparagraphs (14)(A)2.A.–D. of this rule.

A. Identification of an "area of influence" outside of which the likelihood of *Cryptosporidium* or fecal contamination affecting the treatment plant intake is not significant. This is the area to be evaluated in future watershed surveys under subparagraph (14)(A)5.B.

B. Identification of both potential and actual sources of *Cryptosporidium* contamination and an assessment of the relative impact of these sources on the system's source water quality.

C. An analysis of the effectiveness and feasibility of control measures that could reduce *Cryptosporidium* loading from sources of contamination to the system's source water.

D. A statement of goals and specific actions the system will undertake to reduce source water *Cryptosporidium* levels. The plan must explain how the actions are expected to contribute to specific goals, identify watershed partners and their roles, identify resource requirements and commitments, and include a schedule for plan implementation with deadlines for completing specific actions identified in the plan.

3. Systems with existing watershed control programs (that is, programs in place on January 5, 2006) are eligible to seek this credit. Their watershed control plans must meet the criteria in paragraph (14)(A)2. of this rule and must specify ongoing and future actions that will reduce source water *Cryptosporidium* levels.

4. If the department does not respond to a system regarding approval of a watershed control plan submitted under this section and the system meets the other requirements of this section, the watershed control program will be considered approved and 0.5 log *Cryptosporidium* treatment credit will be awarded unless and until the department subsequently withdraws such approval.

5. Systems must complete the actions in subparagraphs (14)(A)5.A.–C. of this rule to maintain the 0.5-log credit.

A. Submit an annual watershed control program status report to the department. The annual watershed control program status report must describe the system's implementation of the approved plan and assess the adequacy of the plan to meet its goals. It must explain how the system is addressing any shortcomings in plan implementation, including those previously identified by the department or as the result of the watershed survey conducted under subparagraph (14)(A)5.B. of this rule. It must also describe any significant changes that have occurred in the watershed since the last watershed sanitary survey. If a system determines during implementation that making a significant change to its approved watershed control program is necessary, the system must notify the department prior to making any such changes. If any change is likely to reduce the level of source water protection, the system must also list in its notification the actions the system will take to mitigate this effect.

B. Undergo a watershed sanitary survey every three (3) years for community water systems and every five (5) years for noncommunity water systems and submit the survey report to the department. The survey must be conducted according to department guidelines and by persons the department approves.

(I) The watershed sanitary survey must meet the following criteria: encompass the region identified in the department-approved watershed control plan as the area of influence; assess the implementation of actions to reduce source water *Cryptosporidium* levels; and identify any significant new sources of *Cryptosporidium*.

(II) If the department determines that significant changes may have occurred in the watershed since the previous watershed sanitary survey, systems must undergo another watershed sanitary survey by a date the department requires, which may be earlier than the regular date in subparagraph (14)(A)5.B. of this rule.

C. The system must make the watershed control plan, annual status reports, and watershed sanitary survey reports available to the public upon request. These documents must be in a plain language style and include criteria by which to evaluate the success of the program in achieving plan goals. The department may approve systems to withhold from the public portions of the annual status report, watershed control plan, and watershed sanitary survey based on water supply security considerations.

6. If the department determines that a system is not carrying out the approved watershed control plan, the department may withdraw the watershed control program treatment credit.

(B) Alternative Source Requirements.

1. A system may conduct source water monitoring that reflects a different intake location (either in the same source or for an alternate source) or a different procedure for the timing or level of withdrawal from the source (alternative source monitoring). If the department approves, a system may determine its bin classification under section (10) of this rule based on the alternative source monitoring results.

2. If systems conduct alternative source monitoring under paragraph (14)(B)1. of this rule, systems must also monitor their current plant intake concurrently as described in section (2) of this rule.

3. Alternative source monitoring under paragraph (14)(B)1. of this rule must meet the requirements for source monitoring to determine bin classification, as described in sections (2)–(6) of this rule. Systems must report the alternative source monitoring results to the department, along with supporting information documenting the operating conditions under which the samples were collected.

4. If a system determines its bin classification under section (10) of this rule using alternative source monitoring results that reflect a different intake location or a different procedure for managing the timing or level of withdrawal from the source, the system must relocate the intake or permanently adopt the withdrawal procedure, as applicable, no later than the applicable treatment compliance date in section (12) of this rule.

(15) Pre-filtration Treatment Toolbox Components.

(A) Presedimentation. Systems receive 0.5-log *Cryptosporidium* treatment credit for a presedimentation basin during any month the process meets the criteria in this subsection.

1. The presedimentation basin must be in continuous operation and must treat the entire plant flow taken from a surface water or GWUDISW source.

2. The system must continuously add a coagulant to the presedimentation basin.

3. The presedimentation basin must achieve the performance criteria in subparagraph (15)(A)3.A. or B. of this rule.

A. Demonstrates at least 0.5-log mean reduction of influent turbidity. This reduction must be determined using daily turbidity measurements in the presedimentation process influent and effluent and must be calculated as follows: $\log_{10}$(monthly mean of daily influent turbidity) − $\log_{10}$(monthly mean of daily effluent turbidity).

B. Complies with department-approved performance criteria that demonstrate at least 0.5-log mean removal of micron-sized particulate material through the presedimentation process.

(B) Two (2)-stage Lime Softening. Systems receive an additional 0.5-log *Cryptosporidium* treatment credit for a two (2)-stage lime softening plant if chemical addition and hardness precipitation occur in two (2) separate and sequential softening stages prior to filtration. Both softening stages must treat the entire plant flow taken from a surface water or GWUDISW source.

(C) Bank Filtration. Systems receive *Cryptosporidium* treatment credit for bank filtration that serves as pretreatment to a filtration plant by meeting the criteria in this subsection. Systems using bank filtration when they begin source water monitoring under subsection (2)(A) of this rule must collect samples as described in subsection (4)(D) of this rule and are not eligible for this credit.

1. Wells with a ground water flow path of at least twenty-five feet (25') receive 0.5-log treatment credit; wells with a ground water flow path of at least fifty feet (50') receive 1.0-log treatment credit. The ground water flow path must be determined as specified in paragraph (15)(C)4. of this rule.

2. Only wells in granular aquifers are eligible for treatment credit. Granular aquifers are those comprised of sand, clay, silt, rock fragments, pebbles or larger particles, and minor cement. A system must characterize the aquifer at the well site to determine aquifer properties. Systems must extract a core from the aquifer and demonstrate that in at least ninety percent (90%) of the core length, grains less than 1.0 mm in diameter constitute at least ten percent (10%) of the core material.

3. Only horizontal and vertical wells are eligible for treatment credit.

4. For vertical wells, the ground water flow path is the measured distance from the edge of the surface water body under high flow conditions (determined by the one hundred (100)-year floodplain elevation boundary or by the floodway, as defined in Federal Emergency Management Agency flood hazard maps) to the well screen. For horizontal wells, the ground water flow path is the measured distance from the bed of the river under normal flow conditions to the closest horizontal well lateral screen.

5. Systems must monitor each wellhead for turbidity at least once every four (4) hours while the bank filtration process is in operation. If monthly average turbidity levels, based on daily maximum values in the well, exceed one (1) NTU, the system must report this result to the department and conduct an assessment within thirty (30) days to determine the cause of the high turbidity levels in the well. If the department determines that microbial removal has been compromised, the department may revoke treatment credit until the system implements corrective actions approved by the department to remediate the problem.

6. Springs and infiltration galleries are not eligible for treatment credit under this section, but are eligible for credit under subsection (16)(C) of this rule.

7. Bank filtration demonstration of performance. The department may approve *Cryptosporidium* treatment credit for bank filtration based on a demonstration of performance study that meets the criteria in this subsection. This treatment credit may be greater than 1.0-log and may be awarded to bank filtration that does not meet the criteria in paragraphs (15)(C)1.–5. of this rule.

A. The study must follow a department-approved protocol and must involve the collection of data on the removal of *Cryptosporidium* or a surrogate for *Cryptosporidium* and related hydrogeologic and water quality parameters during the full range of operating conditions.

B. The study must include sampling both from the production well(s) and from monitoring wells that are screened and located along the shortest flow path between the surface water source and the production well(s).

(16) Treatment Performance Toolbox Components.

(A) Combined Filter Performance. Systems using conventional filtration treatment or direct filtration treatment receive an additional 0.5-log *Cryptosporidium* treatment credit during any month the system meets the criteria in this subsection. Combined filter effluent (CFE) turbidity must be less than or equal to 0.15 NTU in at least ninety-five percent (95%) of the measurements. Turbidity must be measured as described in 10 CSR 60-4.050(3) and 10 CSR 60-4.080(3).

(B) Individual filter performance. Systems using conventional filtration treatment or direct filtration treatment receive 0.5-log *Cryptosporidium* treatment credit, which can be in addition to the 0.5-log credit under subsection (16)(A) during any month the system meets the criteria in this subsection. Compliance with these criteria must be based on individual filter turbidity monitoring as described in 10 CSR 60-4.050(3)(E) and 10 CSR 60-7.010(7).

1. The filtered water turbidity for each individual filter must be less than or equal to 0.15 NTU in at least ninety-five percent (95%) of the measurements recorded each month.

2. No individual filter may have a measured turbidity greater than 0.3 NTU in two (2) consecutive measurements taken fifteen (15) minutes apart.

3. Any system that has received treatment credit for individual filter performance and fails to meet the requirements of paragraph (16)(B)1. or 2. of this rule during any month does not receive a treatment technique violation under subsection (11)(C) of this rule if the department determines the following:

A. The failure was due to unusual and short-term circumstances that could not reasonably be prevented through optimizing

treatment plant design, operation, and maintenance; and

B. The system has experienced no more than two (2) such failures in any calendar year.

(C) Demonstration of Performance. The department may approve *Cryptosporidium* treatment credit for drinking water treatment processes based on a demonstration of performance study that meets the criteria in this subsection. This treatment credit may be greater than or less than the prescribed treatment credits in section (11) or section (15) through section (18) of this rule and may be awarded to treatment processes that do not meet the criteria for the prescribed credits.

1. Systems cannot receive the prescribed treatment credit for any toolbox box option in sections (15) through (18) if that toolbox option is included in a demonstration of performance study for which treatment credit is awarded under this paragraph.

2. The demonstration of performance study must follow a department-approved protocol and must demonstrate the level of *Cryptosporidium* reduction the treatment process will achieve under the full range of expected operating conditions for the system.

3. Approval by the department must be in writing and may include monitoring and treatment performance criteria that the system must demonstrate and report on an ongoing basis to remain eligible for the treatment credit. The department may designate such criteria, where necessary, to verify that the conditions under which the demonstration of performance credit was approved are maintained during routine operation.

(17) Additional Filtration Toolbox Components.

(A) Bag and Cartridge Filters. Systems receive *Cryptosporidium* treatment credit of up to 2.0-log for individual bag or cartridge filters and up to 2.5-log for bag or cartridge filters operated in series by meeting the criteria in paragraphs (17)(A)1. through (17)(A)10. of this section. To be eligible for this credit, systems must report the results of challenge testing that meets the requirements of paragraphs (17)(A)2. through (17)(A)9. to the department. The filters must treat the entire plant flow taken from a surface water or ground water under the direct influence of surface water source.

1. The *Cryptosporidium* treatment credit awarded to bag or cartridge filters must be based on the removal efficiency demonstrated during challenge testing that is conducted according to the criteria in paragraphs (17)(A)2. through (17)(A)9. A factor of safety equal to 1-log for individual bag or cartridge filters and 0.5-log for bag or cartridge filters in series must be applied to challenge testing results to determine removal credit. Systems may use results from challenge testing conducted prior to January 5, 2006, if the prior testing was consistent with the criteria specified in paragraphs (17)(A)2. through (17)(A)9.

2. Challenge testing must be performed on full-scale bag or cartridge filters, and the associated filter housing or pressure vessel, that are identical in material and construction to the filters and housings the system will use for removal of *Cryptosporidium*. Bag or cartridge filters must be challenge tested in the same configuration that the system will use, either as individual filters or as a series configuration of filters.

3. Challenge testing must be conducted using *Cryptosporidium* or a surrogate that is removed no more efficiently than *Cryptosporidium*. The microorganism or surrogate used during challenge testing is referred to as the challenge particulate. The concentration of the challenge particulate must be determined using a method capable of discretely quantifying the specific microorganism or surrogate used in the test; gross measurements such as turbidity may not be used.

4. The maximum feed water concentration that can be used during a challenge test must be based on the detection limit of the challenge particulate in the filtrate (i.e., filtrate detection limit) and must be calculated using the following equation:

Maximum Feed Concentration = $1 \times 10^4 \times$ (Filtrate Detection Limit).

5. Challenge testing must be conducted at the maximum design flow rate for the filter as specified by the manufacturer.

6. Each filter evaluated must be tested for a duration sufficient to reach one hundred percent (100%) of the terminal pressure drop, which establishes the maximum pressure drop under which the filter may be used to comply with the requirements of this rule.

7. Removal efficiency of a filter must be determined from the results of the challenge test and expressed in terms of log removal values using the following equation:

$$LRV = LOG_{10}(C_f) - LOG_{10}(C_p)$$

Where:

LRV = log removal value demonstrated during challenge testing

C_f = the feed concentration measured during the challenge test

C_p = the filtrate concentration measured during the challenge test

In applying this equation, the same units must be used for the feed and filtrate concentrations. If the challenge particulate is not detected in the filtrate, then the term C_p must be set equal to the detection limit.

8. Each filter tested must be challenged with the challenge particulate during three (3) periods over the filtration cycle: within two (2) hours of start-up of a new filter; when the pressure drop is between forty-five percent and fifty-five percent (45%–55%) of the terminal pressure drop; and at the end of the cycle after the pressure drop has reached one hundred percent (100%) of the terminal pressure drop. An LRV must be calculated for each of these challenge periods for each filter tested. The LRV for the filter (LRV_{filter}) must be assigned the value of the minimum LRV observed during the three (3) challenge periods for that filter.

9. If fewer than twenty (20) filters are tested, the overall removal efficiency for the filter product line must be set equal to the lowest LRV_{filter} among the filters tested. If twenty (20) or more filters are tested, the overall removal efficiency for the filter product line must be set equal to the 10th percentile of the set of LRV_{filter} values for the various filters tested. The percentile is defined by (i/(n+1)) where i is the rank of n individual data points ordered lowest to highest. If necessary, the 10th percentile may be calculated using linear interpolation.

10. If a previously tested filter is modified in a manner that could change the removal efficiency of the filter product line, challenge testing to demonstrate the removal efficiency of the modified filter must be conducted and submitted to the department.

(B) Membrane Filtration Requirements.

1. Systems receive *Cryptosporidium* treatment credit for membrane filtration that meets the criteria of this paragraph. Membrane cartridge filters that meet the definition of membrane filtration in 10 CSR 60-2.015 are eligible for this credit. The level of treatment credit a system receives is equal to the lower of the values determined under subparagraphs (17)(B)1.A. and B.

A. The removal efficiency demonstrated during challenge testing conducted under the conditions in paragraph (17)(B)2.

B. The maximum removal efficiency that can be verified through direct integrity testing used with the membrane filtration process under the conditions in paragraph (17)(B)3.

2. Challenge testing. The membrane used by the system must undergo challenge testing to evaluate removal efficiency, and the system must report the results of challenge testing to the department. Challenge testing must be conducted according to the criteria in subparagraphs (17)(B)2.A. through H. Systems may use data from challenge testing conducted prior to January 5, 2006, if the prior testing was consistent with the criteria in subparagraphs (17)(B)2.A. through G.

A. Challenge testing must be conducted on either a full-scale membrane module, identical in material and construction to the membrane modules used in the system's treatment facility, or a smaller-scale membrane module, identical in material and similar in construction to the full-scale module. A module is defined as the smallest component of a membrane unit in which a specific membrane surface area is housed in a device with a filtrate outlet structure.

B. Challenge testing must be conducted using *Cryptosporidium* oocysts or a surrogate that is removed no more efficiently than *Cryptosporidium* oocysts. The organism or surrogate used during challenge testing is referred to as the challenge particulate. The concentration of the challenge particulate, in both the feed and filtrate water, must be determined using a method capable of discretely quantifying the specific challenge particulate used in the test; gross measurements such as turbidity may not be used.

C. The maximum feed water concentration that can be used during a challenge test is based on the detection limit of the challenge particulate in the filtrate and must be determined according to the following equation:

$$\text{Maximum Feed Concentration} = 3.16 \times 10^6 \times (\text{Filtrate Detection Limit}).$$

D. Challenge testing must be conducted under representative hydraulic conditions at the maximum design flux and maximum design process recovery specified by the manufacturer for the membrane module. Flux is defined as the throughput of a pressure-driven membrane process expressed as flow per unit of membrane area. Recovery is defined as the volumetric percent of feed water that is converted to filtrate over the course of an operating cycle uninterrupted by events such as chemical cleaning or a solids removal process (i.e., backwashing).

E. Removal efficiency of a membrane module must be calculated from the challenge test results and expressed as a log removal value according to the following equation:

$$LRV = LOG_{10}(C_f) \times LOG_{10}(C_p)$$

Where:
LRV = log removal value demonstrated during the challenge test
C_f = the feed concentration measured during the challenge test
C_p = the filtrate concentration measured during the challenge test

Equivalent units must be used for the feed and filtrate concentrations. If the challenge particulate is not detected in the filtrate, the term C_p is set equal to the detection limit for the purpose of calculating the LRV. An LRV must be calculated for each membrane module evaluated during the challenge test.

F. The removal efficiency of a membrane filtration process demonstrated during challenge testing must be expressed as a log removal value ($LRV_{C\text{-}Test}$). If fewer than twenty (20) modules are tested, then $LRV_{C\text{-}Test}$ is equal to the lowest of the representative LRVs among the modules tested. If twenty (20) or more modules are tested, then $LRV_{C\text{-}Test}$ is equal to the 10th percentile of the representative LRVs among the modules tested. The percentile is defined by $(i/(n+1))$ where i is the rank of n individual data points ordered lowest to highest. If necessary, the 10th percentile may be calculated using linear interpolation.

G. The challenge test must establish a quality control release value (QCRV) for a non-destructive performance test that demonstrates the *Cryptosporidium* removal capability of the membrane filtration module. This performance test must be applied to each production membrane module used by the system that was not directly challenge tested in order to verify *Cryptosporidium* removal capability. Production modules that do not meet the established QCRV are not eligible for the treatment credit demonstrated during the challenge test.

H. If a previously tested membrane is modified in a manner that could change the removal efficiency of the membrane or the applicability of the non-destructive performance test and associated QCRV, additional challenge testing to demonstrate the removal efficiency of, and determine a new QCRV for, the modified membrane must be conducted and submitted to the department.

3. Direct integrity testing. Systems must conduct direct integrity testing in a manner that demonstrates a removal efficiency equal to or greater than the removal credit awarded to the membrane filtration process and meets the requirements described in subparagraphs (17)(B)3.A.–G. of this rule. A direct integrity test is defined as a physical test applied to a membrane unit in order to identify and isolate integrity breaches (that is, one (1) or more leaks that could result in contamination of the filtrate).

A. The direct integrity test must be independently applied to each membrane unit in service. A membrane unit is defined as a group of membrane modules that share common valving that allows the unit to be isolated from the rest of the system for the purpose of integrity testing or other maintenance.

B. The direct integrity method must have a resolution of three (3) micrometers or less, where resolution is defined as the size of the smallest integrity breach that contributes to a response from the direct integrity test.

C. The direct integrity test must have a sensitivity sufficient to verify the log treatment credit awarded to the membrane filtration process by the department, where sensitivity is defined as the maximum log removal value that can be reliably verified by a direct integrity test. Sensitivity must be determined using the approach in either part (17)(B)3.C.(I) or (II) of this section as applicable to the type of direct integrity test the system uses.

(I) For direct integrity tests that use an applied pressure or vacuum, the direct integrity test sensitivity must be calculated according to the following equation:

$$LRV_{DIT} = LOG_{10}(Q_p / (VCF \times Q_{breach}))$$

Where:
LRV_{DIT} = the sensitivity of the direct integrity test
Q_p = total design filtrate flow from the membrane unit
Q_{breach} = flow of water from an integrity breach associated with the smallest integrity test response that can be reliably measured
VCF = volumetric concentration factor

The volumetric concentration factor is the ratio of the suspended solids concentration on the high pressure side of the membrane relative to that in the feed water.

(II) For direct integrity tests that use a particulate or molecular marker, the direct integrity test sensitivity must be calculated according to the following equation:

$$LRV_{DIT} = LOG_{10}(C_f) - LOG_{10}(C_p)$$

Where:
LRV_{DIT} = the sensitivity of the direct integrity test
C_f = the typical feed concentration of the marker used in the test
C_p = the filtrate concentration of the marker from an integral membrane unit

D. Systems must establish a control limit within the sensitivity limits of the direct integrity test that is indicative of an integral membrane unit capable of meeting the removal credit awarded by the department.

E. If the result of a direct integrity test exceeds the control limit established under subparagraph (17)(B)3.D., the system must remove the membrane unit from service. Systems must conduct a direct integrity test to verify any repairs, and may return the membrane unit to service only if the direct integrity test is within the established control limit.

F. Systems must conduct direct integrity testing on each membrane unit at a frequency of not less than once each day that the membrane unit is in operation. The department may approve less frequent testing, based on demonstrated process reliability, the use of multiple barriers effective for *Cryptosporidium*, or reliable process safeguards.

4. Indirect integrity monitoring. Systems must conduct continuous indirect integrity monitoring on each membrane unit according to the criteria in subparagraphs (17)(B)4.A. through E. Indirect integrity monitoring is defined as monitoring some aspect of filtrate water quality that is indicative of the removal of particulate matter. A system that implements continuous direct integrity testing of membrane units in accordance with the criteria in subparagraphs

(17)(B)3.A. through E. of this section is not subject to the requirements for continuous indirect integrity monitoring. Systems must submit a monthly report to the department summarizing all continuous indirect integrity monitoring results triggering direct integrity testing and the corrective action that was taken in each case.

A. Unless the department approves an alternative parameter, continuous indirect integrity monitoring must include continuous filtrate turbidity monitoring.

B. Continuous monitoring must be conducted at a frequency of no less than once every fifteen (15) minutes.

C. Continuous monitoring must be separately conducted on each membrane unit.

D. If indirect integrity monitoring includes turbidity and if the filtrate turbidity readings are above 0.15 NTU for a period greater than fifteen (15) minutes (i.e., two consecutive fifteen (15)-minute readings above 0.15 NTU), direct integrity testing must immediately be performed on the associated membrane unit as specified in subparagraphs (17)(B)3.A through E.

E. If indirect integrity monitoring includes a department-approved alternative parameter and if the alternative parameter exceeds a department-approved control limit for a period greater than fifteen (15) minutes, direct integrity testing must immediately be performed on the associated membrane units as specified in subparagraphs (17)(B)3.A. through E.

(C) Second Stage Filtration. Systems receive 0.5-log *Cryptosporidium* treatment credit for a separate second stage of filtration that consists of sand, dual media, granular activated carbon (GAC), or other fine grain media following granular media filtration if the department approves. To be eligible for this credit, the first stage of filtration must be preceded by a coagulation step and both filtration stages must treat the entire plant flow taken from a surface water or GWUDISW source. A cap, such as GAC, on a single stage of filtration is not eligible for this credit. The department must approve the treatment credit based on an assessment of the design characteristics of the filtration process.

(D) Slow Sand Filtration (as Secondary Filter). Systems are eligible to receive 2.5-log *Cryptosporidium* treatment credit for a slow sand filtration process that follows a separate stage of filtration if both filtration stages treat entire plant flow taken from a surface water or GWUDISW source and no disinfectant residual is present in the influent water to the slow sand filtration process. The department must approve the treatment credit based on an assessment of the design characteristics of the filtration process. This subsection does not apply to treatment credit awarded to slow sand filtration used as a primary filtration process.

(18) Inactivation Toolbox Components.

(A) Calculation of CT Values.

1. CT is the product of the disinfectant contact time (T, in minutes) and disinfectant concentration (C, in milligrams per liter). Systems with treatment credit for chlorine dioxide or ozone under subsection (18)(B) or (C) must calculate CT at least once each day, with both C and T measured during peak hourly flow as specified in 10 CSR 60-5.010, 10 CSR 60-5.020, and the Guidance Manual for Surface Water System Treatment Requirements, January 1992.

2. Systems with several disinfection segments in sequence may calculate CT for each segment, where a disinfection segment is defined as a treatment unit process with a measurable disinfectant residual level and a liquid volume. Under this approach, systems must add the *Cryptosporidium* CT values in each segment to determine the total CT for the treatment plant.

(B) CT Values for Chlorine Dioxide and Ozone.

1. Systems receive the *Cryptosporidium* treatment credit listed in this table by meeting the corresponding chlorine dioxide CT value for the applicable water temperature, as described in subsection (18)(A). Systems may use this equation to determine log credit between the indicated values:

$$\text{Log credit} = (0.001506 \times (1.09116)^{\text{Temp}}) \times \text{CT}.$$

CT Values (MG-MIN/L) for *Cryptosporidium* Inactivation By Chlorine Dioxide

Log credit	Water temperature, °C										
	≤ 0.5	1	2	3	5	7	10	15	20	25	30
0.25	159	153	140	128	107	90	69	45	29	19	12
0.5	319	305	279	256	214	180	138	89	58	38	24
1.0	637	610	558	511	429	360	277	179	116	75	49
1.5	956	915	838	767	643	539	415	268	174	113	73
2.0	1275	1220	1117	1023	858	719	553	357	232	150	98
2.5	1594	1525	1396	1278	1072	899	691	447	289	188	122
3.0	1912	1830	1675	1534	1286	1079	830	536	347	226	147

2. Systems receive the *Cryptosporidium* treatment credit listed in this table by meeting the corresponding ozone CT values for the applicable water temperature, as described in subsection (18)(A) of this rule.

CT Values (MG-MIN/L) for *Cryptosporidium* Inactivation by Ozone

Systems may use this equation to determine log credit between the indicated values: Log credit = $(0.0397 \times (1.09757)^{temp}) \times CT$

Log credit	Water Temperature, °C										
	≤ 0.5	1	2	3	5	7	10	15	20	25	30
0.25	6.0	5.8	5.2	4.8	4.0	3.3	2.5	1.6	1.0	0.6	0.39
0.5	12	12	10	9.5	7.9	6.5	4.9	3.1	2.0	1.2	0.78
1.0	24	23	21	19	16	13	9.9	6.2	3.9	2.5	1.6
1.5	36	35	31	29	24	20	15	9.3	5.9	3.7	2.4
2.0	48	46	42	38	32	26	20	12	7.8	4.9	3.1
2.5	60	58	52	48	40	33	25	16	9.8	6.2	3.9
3.0	72	69	63	57	47	39	30	19	12	7.4	4.7

(C) Site-specific Study. The department may approve alternative chlorine dioxide or ozone CT values to those listed in subsection (18)(B*)* on a site-specific basis. The department must base this approval on a site-specific study a system conducts that follows a department-approved protocol.

(D) Ultraviolet Light. Systems receive C*ryptosporidium, Giardia lamblia,* and virus-treatment credits for ultraviolet (UV) light reactors by achieving the corresponding UV dose values shown in paragraph (18)(D)1. Systems must validate and monitor UV reactors as described in paragraphs (18)(D)2. and 3. to demonstrate that they are achieving a particular UV dose value for treatment credit.

1. UV dose table. The treatment credits listed in this table are for UV light at a wavelength of two hundred fifty-four nanometers (254 nm) as produced by a low pressure mercury vapor lamp. To receive treatment credit for other lamp types, systems must demonstrate an equivalent germicidal dose through reactor validation testing, as described in paragraph (18)(D)2. of this rule. The UV dose values in this table are applicable only to post-filer applications of UV in filtered systems.

UV Dose Table for *Cryptosporidium, Giardia lamblia*, and Virus Inactivation Credit			
Log credit	*Cryptosporidium* UV dose (mJ/cm^2)	*Giardia lamblia* UV dose (mJ/cm^2)	Virus UV dose (mJ/cm^2)
0.5	1.6	1.5	39
1.0	2.5	2.1	58
1.5	3.9	3.0	79
2.0	5.8	5.2	100
2.5	8.5	7.7	121
3.0	12	11	143
3.5	15	15	163
4.0	22	22	186

2. Reactor validation testing. Systems must use UV reactors that have undergone validation testing to determine the operating conditions under which the reactor delivers the UV dose required in paragraph (18)(D)1. (i.e., validated operating conditions). These operating conditions must include flow rate, UV intensity as measured by an UV sensor, and UV lamp status.

A. When determining validated operating conditions, systems must account for the following factors: UV absorbance of the water; lamp fouling and aging; measurement uncertainty of on-line sensors; UV dose distributions arising from the velocity profiles through the reactor; failure of UV lamps or other critical system components; and inlet and outlet piping or channel configurations of the UV reactor.

B. Validation testing must include the following: Full-scale testing of a reactor that conforms uniformly to the UV reactors used by the system and inactivation of a test microorganism whose dose response characteristics have been quantified with a low pressure mercury vapor lamp.

C. The department may approve an alternative approach to validation testing.

3. Reactor monitoring requirements.

A. Systems must monitor their UV reactors to determine if the reactors are operating within validated conditions, as determined under paragraph (18)(D)2. This monitoring must include UV intensity as measured by a UV sensor, flow rate, lamp status, and other parameters the department designates based on UV reactor operation. Systems must verify the calibration of UV sensors and must recalibrate sensors in accordance with a protocol the department approves.

B. To receive treatment credit for UV light, systems must treat at least ninety-five percent (95%) of the water delivered to the public during each month by UV reactors operating within validated conditions for the required UV dose, as described in paragraphs (18)(D)1. and 2. Systems must demonstrate compliance with this condition by the monitoring required under subparagraph (18)(D)3.A. of this rule.

(19) Reporting Requirements.

(A) Systems must report sampling schedules under section (3) of this rule and source water monitoring results under section (6) of this rule unless they notify the department that they will not conduct source water monitoring due to meeting the criteria of subsection (2)(D) of this rule.

(B) Filtered systems must report their *Cryptosporidium* bin classification as described in section (10) of this rule.

(C) Systems must report disinfection profiles and benchmarks to the department as described in sections (8) through (9) of this rule prior to making a significant change in disinfection practice.

(D) Systems must report to the department in accordance with the following table for any microbial toolbox options used to comply with treatment requirements under section (11) of this rule. Alternatively, the department may approve a system to certify operation within required parameters for treatment credit rather than reporting monthly operational data for toolbox options.

Microbial Toolbox Reporting Requirements		
Toolbox option	Systems must submit the following information	On the following schedule
Watershed control program (WCP)	(I) Notice of intention to develop a new or continue an existing watershed control program.	No later than two years before the applicable treatment compliance date in section (12) of this rule.
	(II) Watershed control plan	No later than one year before the applicable treatment compliance date in section (12) of this rule.
	(III) Annual watershed control program status report	Every 12 months, beginning one year after the applicable treatment compliance date in section (12) of this rule.
	(IV) Watershed sanitary survey report	For community water systems, every three years beginning three years after the applicable treatment compliance date in section (12) of this rule. For noncommunity water systems, every five years beginning five years after the applicable treatment compliance date in section (12) of this rule.
Alternative source/intake management	Verification that system has relocated the intake or adopted the intake withdrawal procedure reflected in monitoring results.	No later than the applicable treatment compliance date in section (12) of this rule.
Presedimentation	Monthly verification of the following: (I) Continuous basin operation (II) Treatment of 100% of the flow (III) Continuous addition of a coagulate (IV) At least 0.5 log mean reduction of influent turbidity or compliance with alternative department-approved performance criteria.	Monthly reporting within 10 days following the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in section (12) of this rule.
Two-stage lime softening	Monthly verification of the following: (I) Chemical addition and hardness precipitation occurred in two separate and sequential softening stages prior to filtration (II) Both stages treated 100% of the plant flow.	Monthly reporting within 10 days following the month in which the monitoring was conducted beginning on the applicable treatment compliance date in section (12) of this rule.
Bank filtration	(I) Initial demonstration of the following: (A) Unconsolidated, predominantly sandy aquifer (B) Setback distance of at least 25ft. (0.5-log credit) or 50ft. (1.0 log credit).	No later than the applicable treatment compliance date in section (12) of this rule.
	(II) If monthly average of daily max turbidity is greater than 1 NTU then system must report result and submit an assessment of the cause.	Report within 30 days following the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in section (12) of this rule.

Combined filter performance.	Monthly verification of combined filter effluent (CFE) turbidity levels less than or equal to 0.15 NTU in at least 95% of the 4 hour CFE measurements taken each month.	Monthly reporting within 10 days following the month in which the monitoring was conducted beginning on the applicable treatment compliance date in section (12) of this rule.
Individual filter performance.	Monthly verification of the following: (I) Individual filter effluent (IFE) turbidity levels less than or equal to 0.15 NTU in at least 95% of samples each month in each filter; (II) No individual filter greater than 0.3NTU in two consecutive readings 15 minutes apart.	Monthly reporting within 10 days following the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in section (12) of this rule.
Demonstration of performance.	(I)Results from testing following a department approved protocol.	No later than the applicable treatment compliance date in section (12) of this rule.
	(II) As required by the department, monthly verification of operation within conditions of department approval for demonstration of performance credit.	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in section (12) of this rule.
Bag filters and cartridge filters.	(I) Demonstration that the following criteria are met: (A) Process meets the definition of bag or cartridge filtration; (B) Removal efficiency established through challenge testing that meets criteria in this rule.	No later than the applicable treatment compliance date in section (12) of this rule.
	(II) Monthly verification that 100% of plant flow was filtered.	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in section (12) of this rule.
Membrane filtration	(I) Results of verification testing demonstrating the following: (A) Removal efficiency established through challenge testing that meets criteria in this rule. (B) Integrity test method and parameters, including resolution, sensitivity, test frequency, control limits, and associated baseline.	No later than the applicable treatment compliance date in section (12) of this rule.
	(II) Monthly report summarizing the following: (A) All direct integrity tests above the control limit; (B) If applicable, any turbidity or alternative department approved indirect integrity monitoring results triggering direct integrity testing and the corrective action that was taken.	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in section (12) of this rule.

Second stage filtration	Monthly verification that 100% of flow was filtered through both stages and that first stage was preceded by coagulation step.	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in section (12) of this rule.
Slow sand filtration (as secondary filter).	Monthly verification that both a slow sand filter and a preceding separate stage of filtration treated 100% of flow from surface water and ground water under the direct influence of surface water sources.	Within 10 days following the month in which monitoring was conduced, beginning on the applicable treatment compliance date in section (12) of this rule.
Chlorine dioxide	Summary of CT values for each day as described in section (18) of this rule.	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in section (12) of this rule.
Ozone	Summary of CT values for each day as described in section (18) of this rule.	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in section (12) of this rule.
UV	Validation test results demonstrating operating conditions that achieve required UV dose.	No later than the applicable treatment compliance date in section (12) of this rule.
	Monthly report summarizing the percentage of water entering the distribution system that was not treated by UV reactors operating within validated conditions for the required dose specified in subsection (18)(D).	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in section (12) of this rule.

AUTHORITY: section 640.100, RSMo Supp. 2007. Original rule filed Oct. 1, 2008.

PUBLIC COST: The rule is anticipated to cost the Missouri Department of Natural Resources approximately sixty-three thousand eight hundred eighty-one dollars ($63,881) annually each year the rule is in effect and approximately $2,084,765 in one-time aggregate costs for the duration of the rule. The rule is anticipated to cost publicly-owned public water systems using surface water or ground water under the direct influence of surface water approximately $35,135,519 in the aggregate.

PRIVATE COST: This rule is anticipated to cost fifteen (15) privately-owned public water systems using surface water or ground water under the direct influence of surface water approximately $7,197,529 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this rulemaking at 10 a.m. on Dec. 9, 2008, at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. The hearing will be preceded by an information meeting beginning at 9:30 a.m. at the same location.

*Anyone may submit comments in support of or opposition to this proposed rule. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed rule, and include alternative options or language.*

The commission is also accepting written comments on this rulemaking. Written comments must be postmarked or received by Dec. 31, 2008. Written comments must be mailed or faxed to: Ms. Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102-0176. The fax number is (573) 751-3110.

FISCAL NOTE
PUBLIC COST

I. Department Title: **Department of Natural Resources**
Division Title: **Public Drinking Water Program**
Chapter Title: **Contaminant Levels and Monitoring**

Rule Number and Name:	10 CSR 60-4.052 Source Water Monitoring and Enhanced Treatment Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Natural Resources (MDNR)	Estimated annual cost each year the rule is in effect = $63,881 Estimated aggregate monitoring costs = $2,084,765
Publicly-owned Public Water Systems using surface water or ground water under the influence of surface water	Estimated aggregate cost = $35,135,519

III. WORKSHEET

MDNR Costs:

1. MDNR estimated annual FTE cost.
   1.0 FTE Environmental Specialist III x $63,881 annually for each year the rule is in effect.

2. MDNR aggregate monitoring cost (contract).

   First round of source water monitoring = $833,906 contract costs
   3284 sampling events x $253.93 = $833,906

   Second round of source water monitoring = $1,250,859 contract costs
   3284 sampling events x $380.89 = $1,250,859

   Total estimated MDNR contract costs for source water monitoring = $2,084,765

Publicly-owned public water system costs:

1. Source water monitoring (sample collection): $190,799
   First round: 3284 sampling events x 2 hours per event x $15 per hour x 83% = $81,771
   Second round: 3284 sampling events x 2 hours per event x 20 per hour x 83% = $109,028

2. Disinfection profiling/benchmarking: $18,720
   2 hours per week X $15/hr X 52 weeks to create a disinfection profile/benchmark X 12 systems needing disinfection profiling/benchmarking = $18,720

3. Additional treatment: $34,926,000
   Estimate 30 systems whose source water monitoring indicates additional logs of removal credit (Bins 2, 3, or 4) will be necessary, which will require additional treatment at a potential aggregate cost of $34,926,000.

IV. ASSUMPTIONS

MDNR Assumptions:

1. MDNR assumes that implementing this rule will require 1.0 FTE at the Environmental Specialist III level. Implementation activities include establishing source water monitoring contracts, coordinating source water monitoring schedules and related activities, following up on source water monitoring compliance, reviewing invoices, reviewing results, reviewing bin classifications, approving plans for treatment plant upgrades, conducting inspections on the upgrades, tracking public notice and other activities. Current average costs, including salary, indirect, fringe, and equipment and expense, is approximately $63,881 for the Environmental Specialist III classification. Average annual work hours for one FTE is estimated at 2,000 hours.

2. Contract costs for source water monitoring for the first round of monitoring for Missouri's 89 surface water and ground water under the direct influence of surface water (GUDISW) systems is $833,906.

3. Contract costs for the second round of monitoring are projected to increase by 50% due primarily to surging prices in shipping costs. This increase is shown in the worksheet.

4. MDNR assumes there will be 3,284 sampling events in the first round of source water monitoring and a similar number in the second round of monitoring. These sampling events include monitoring for *Crytposporidium*, *E. coli* and triggered *Crytposporidium* monitoring. Eighty-three percent of Missouri's surface water systems are publicly-owned.

5. MDNR assumes that samples will be collected by a water operator, and assumes based on historical data that the average wage paid to a water system operator is $15.00 per hour.

6. Systems that are going to make a significant change to their disinfection practices and who did not create a disinfection profile under existing surface water treatment rules must create one under this rule. Of the 74 publicly-owned surface water systems, MDNR estimates that 25% of them, or 19 systems, may be required to conduct a disinfection profile. It is estimated that five of these 19 have created a disinfection profile under existing rules for both Giardia and virus, leaving 12 publicly owned surface water systems to create a disinfection profile/benchmark under this new rule. MDNR assumes these 12 systems will spend two hours per week at an average FTE cost of $15 per hour, times 52 weeks, to create a disinfection profile/benchmark. 2 hours X $15hr X 52 weeks X 12 systems = $18,720.

7. Based on existing monitoring data, MDNR assumes that 30 surface water systems will be required to add additional treatment to meet the requirements of this new rule. The level of treatment required will depend on the "bin" classification of the system, which will be determined by the results of source water monitoring. The rule establishes four bins. Three bins require water systems to install additional treatment. The additional treatment options include source water, pretreatment, treatment performance, additional filtration and inactivation options (16 options in all). Costs will vary widely, depending on the bin classification and the treatment option the system selects.

8. The U.S. Environmental Protection Agency estimates initial capital and one-time costs for all affected systems nationwide will be $2,104,000,000. MDNR assumes that the impact on Missouri's public water systems will be comparable to that on similar public water systems in other states. Assuming that Missouri's population is 5.8 million people and the national population is 304 million, Missouri's population is approximately 2% of the national population. On a per capita basis, 2% of the national cost estimate would equate to $42,080,000 for additional treatment for Missouri's systems affected by this rule. Given that 83% of these systems are publicly owned, the cost to Missouri's publicly owned surface water systems would be $34,926,000.

FISCAL NOTE
PRIVATE COST

I. Department Title: Department of Natural Resources
Division Title: Public Drinking Water Program
Chapter Title: Contaminant Levels and Monitoring

Rule Number and Name:	10 CSR 60-4.052 Source Water Monitoring and Enhanced Treatment Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
15	Privately-owned public water systems using surface water or groundwater under the influence of surface water	$7,197,529

III. Worksheet

1. Source water monitoring (sample collection): $39,069.60
   First round: 3284 sampling events x 2 hours per event x $15 per hour x 17% = $16,748.40
   Second round: 3284 sampling events x 2 hours per event x 20 per hour x 17% = $22,321,20

2. Disinfection profiling/benchmarking: $4,860.
   2 hours per week X $15/hr X 52 weeks to create a disinfection profile/benchmark X 3 systems needing disinfection profiling/benchmarking = $4,860.

3. Additional treatment: $7,153,600
   Estimate 6 systems whose source water monitoring indicates additional logs of removal credit (Bins 2, 3, or 4) will be necessary, which will require additional treatment at a potential aggregate cost of $7,153,600.

IV. ASSUMPTIONS

1. MDNR assumes there will be 3,284 sampling events in the first round of source water monitoring and a similar number in the second round of monitoring. These sampling events include monitoring for *Crytposporidium*, *E. coli* and triggered *Crytposporidium* monitoring. Seventeen percent of Missouri's public water systems using surface water are privately owned.

2. MDNR assumes that samples will be collected by a water operator, and assumes based on historical data that the average wage paid to a water system operator is $15.00 per hour.

3. Systems that are going to make a significant change to their disinfection practices and who did not create a disinfection profile under existing surface water treatment rules must create one under this rule. Of the 15 privately-owned surface water systems, MDNR estimates that 2% of them, or 4 systems, may be required to conduct a disinfection profile. It is estimated that one of them have created a disinfection profile under existing rules for both Giardia and virus, leaving 3 privately owned surface water systems to create a disinfection profile/benchmark under this new rule. MDNR assumes these 3 systems will spend two hours per week at an average FTE cost of $15 per hour, times 52 weeks, to create a disinfection profile/benchmark. 2 hours X $15hr X 52 weeks X 3 systems = $4,860.

4. Based on existing monitoring data, MDNR assumes that 6 privately-owned surface water systems will be required to add additional treatment to meet the requirements of this new rule. The level of treatment required will depend on the "bin" classification of the system, which will be determined by the results of source water monitoring. The rule establishes four bins. Three bins require water systems to install additional treatment. The additional treatment options include source water, pretreatment, treatment performance, additional filtration and inactivation options (16 options in all). Costs will vary widely, depending on the bin classification and the treatment option the system selects.

5. The U.S. Environmental Protection Agency estimates initial capital and one-time costs for all affected systems nationwide will be $2,104,000,000. MDNR assumes that the impact on Missouri's public water systems will be comparable to that on similar public water systems in other states. Assuming that Missouri's population is 5.8 million people and the national population is 304 million, Missouri's population is approximately 2% of the national population. On a per capita basis, 2% of the national cost estimate would equate to $42,080,000 for additional treatment for Missouri's systems affected by this rule. Given that 17% of these systems are privately owned, the cost to Missouri's privately owned surface water systems would be $7,153,000.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—*[Public] Safe* Drinking Water *[Program]*
Commission
Chapter 4—Contaminant Levels and Monitoring

PROPOSED AMENDMENT

10 CSR 60-4.090 Maximum Contaminant Levels and Monitoring Requirements for Disinfection By-Products. The commission is amending section (1) and subsections (3)(B), (3)(F), and (4)(D) of this rule.

PURPOSE: This amendment adopts without variance new federal requirements for the regulation of disinfectants and disinfection by-products.

(1) Applicability. This rule applies to community water systems and nontransient noncommunity water systems that add a chemical disinfectant to the water in any part of the drinking water treatment process or provide water that contains a chemical disinfectant and to water treatment plants proposed for construction or major modification as indicated in this section. The rule has different requirements and compliance dates, based on system size and type of source water.

(A) Community water systems serving **ten thousand (**10,000**)** or more people and using surface water or ground water under the direct influence of surface water (GWUDISW) must continue complying with the maximum contaminant level (MCL) of 0.10 for total trihalomethanes (TTHM) and section (3) of this rule until December 31, 2001. Beginning January 1, 2002, these systems and nontransient noncommunity water systems serving **ten thousand (**10,000**)** or more people and using surface water or GWUDISW must comply with sections *[(4)–(5)]* **(3)–(4)** of this rule and the MCLs of 0.080 for TTHM, 0.060 for haloacetic acids five (HAA5), 0.010 for bromate, and 1.0 for chlorite.

(B) Community water systems and nontransient noncommunity water systems serving less than **ten thousand (**10,000**)** people and using surface water or GWUDISW. Beginning January 1, 2004, these systems must comply with sections *[(4)–(5)]* **(3)–(4)** of this rule and the MCLs of 0.080 for TTHM, 0.060 for HAA5, 0.010 for bromate, and 1.0 for chlorite.

(C) Community water systems and nontransient noncommunity water systems using ground water. Beginning January 1, 2004, these systems must comply with sections *[(4)–(5)]* **(3)–(4)** of this rule and the MCLs of 0.080 for TTHM, 0.060 for HAA5, 0.010 for bromate, and 1.0 for chlorite.

Table 1. Compliance with Disinfection By-Product Requirements

Who must comply	When	MCLs (mg/l)	Compliance Requirements
Community water systems serving 10,000 or more people and using surface water or groundwater under the direct influence of surface water (GWUDISW)	Oct. 11, 1981 to Dec. 31, 2001	TTHM 0.10	Section (2)
Community water systems and nontransient noncommunity water systems serving 10,000 or more people and using surface water or GWUDISW	Jan. 1, 2002	TTHM 0.080 HAA5 0.060 Bromate 0.010 Chlorite 1.0	Sections (3) and (4)
Community water systems and nontransient noncommunity water systems serving less than 10,000 people and using surface water or GWUDISW	Jan. 1, 2004	TTHM 0.080 HAA5 0.060 Bromate 0.010 Chlorite 1.0	Sections (3) and (4)
Community water systems and nontransient noncommunity water systems using groundwater	Jan. 1, 2004	TTHM 0.080 HAA5 0.060 Bromate 0.010 Chlorite 1.0	Sections (3) and (4)

(D) *[A system that is installing granular activated carbon (GAC) or membrane technology to comply with this rule may apply to the department for an extension of up to twenty-four (24) months past December 16, 2001 but not beyond December 31, 2003. In granting the extension, the department will set a schedule for compliance and may specify any interim measures that the system must take. Failure to meet the schedule or interim treatment requirements constitutes a violation of the drinking water regulations.]* **Stage 2 Disinfectants/Disinfection By-Products—Locational Running Annual Average (LRAA) Compliance. The MCLs of 0.080 mg/l for TTHM and 0.060 mg/l for HAA5 must be complied with as a locational running annual average at each monitoring location beginning with the date specified for Stage 2 compliance in 10 CSR 60-4.094(1)(C).**

(3) Monitoring Requirements and Plan.

(B) Monitoring Requirements for Disinfection By-Products.

1. TTHMs and HAA5.

A. Routine monitoring. Systems must monitor at the frequency indicated in Table 2.

Table 2. Routine Monitoring Frequency for TTHM and HAA5

Surface water or GWUDISW system serving at least 10,000 people.	Four (4) water samples per quarter per treatment plant.	At least 25 percent of all samples collected each quarter at locations representing maximum residence time. Remaining samples taken at locations representative of at least average residence time in the distribution system and representing the entire distribution system, taking into account number of persons served, different sources of water, and different treatment methods.[1]
Surface water or GWUDISW system serving from 500 to 9,999 people.	One (1) water sample per quarter per treatment plant.	Locations representing maximum residence time.[1]
Surface water or GWUDISW system serving fewer than 500 people.	One (1) sample per year per treatment plant during month of warmest water temperature.	Locations representing maximum residence time.[1] If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets reduced monitoring criteria in subsection (3)(C) of this rule.
System using only ground water not under the direct influence of surface water using chemical disinfectant and serving at least 10,000 people.	One (1) water sample per quarter per treatment plant.[2]	Locations representing maximum residence time.[1]
System using only ground water not under the direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons.	One (1) sample per year per treatment plant[2] during month of warmest water temperature.	Locations representing maximum residence time.[1] If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, the system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets the criteria in subsection (3)(C) of this rule for reduced monitoring.

[1]If a system elects to sample more frequently than the minimum required, at least 25 percent of all samples collected each quarter (including those taken in excess of the required frequency) must be taken at locations that represent the maximum residence time of the water in the distribution system. The remaining samples must be taken at locations representative of at least average residence time in the distribution system.

[2]Multiple wells drawing water from a single aquifer may be considered one (1) treatment plant for determining the minimum number of samples required, with department approval.

B. Systems may reduce monitoring except as otherwise provided, in accordance with Table 3.

Table 3. Reduced Monitoring Frequency TTHM and HAA5

If you are a ….	You may reduce monitoring if you have monitored at least once a year and your….	To this level
Surface water or GWUDISW system serving at least 10,000 persons which has a source water annual average total organic carbon (TOC) level, before any treatment, ≤4.0 mg/l.	TTHM annual average ≤0.040 mg/l and HAA5 annual average ≤0.030 mg/l.	One (1) sample per treatment plant per quarter at distribution system location reflecting maximum residence time.
Surface water or GWUDISW system serving from 500 to 9,999 persons which has a source water annual average TOC level, before any treatment, ≤4.0 mg/l.	TTHM annual average ≤0.040 mg/l and HAA5 annual average ≤0.030 mg/l.	One (1) sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature. NOTE: Any surface water or GWUDISW system serving fewer than 500 persons may not reduce its monitoring to less than one **(1)** sample per treatment plant per year.
System using only ground water not under direct influence of surface water using chemical disinfectant and serving at least 10,000 persons.	TTHM annual average ≤0.040 mg/l and HAA5 annual average ≤0.030 mg/l.	One (1) sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature.
System using only ground water not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons.	TTHM annual average ≤0.040 mg/l and HAA5 annual average ≤0.030 mg/l for two **(2)** consecutive years OR TTHM annual average ≤0.20 mg/l and HAA5 annual average ≤0.015 mg/l for one **(1)** year.	One (1) sample per treatment plant every three (3) years at distribution system location reflecting maximum residence time during month of warmest water temperature, with the three **(3)**-year cycle beginning on January 1 following quarter in which system qualifies for reduced monitoring.

C. Monitoring requirements for source water TOC. In order to qualify for reduced monitoring for TTHM and HAA5 under subparagraph (3)(B)1.B. of this rule, surface water and ground water under the direct influence of surface water (GWUDISW) systems not monitoring under the provisions of subsection (3)(D) of this rule must take monthly TOC samples every thirty (30) days at a location prior to any treatment, beginning April 1, 2008, or earlier, if specified by the department. In addition to meeting other criteria for reduced monitoring in subparagraph (3)(B)1.B. of this rule, the source water TOC running annual average must be less than or equal to 4.0 mg/l (based on the most recent four (4) quarters of monitoring) on a continuing basis at each treatment plant to reduce or remain on reduced monitoring for TTHM and HAA5. Once qualified for reduced monitoring for TTHM and HAA5 under subparagraph (3)(B)1.B. of this rule, a system may reduce source water TOC monitoring to quarterly TOC samples taken every ninety (90) days at a location prior to any treatment.

*[C.]***D.** Systems on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year (for systems which must monitor quarterly) or the result of the sample (for systems which must monitor no more frequently than annually) is no more than 0.060 mg/l for TTHMs and 0.045 mg/l for HAA5. Systems that do not meet these levels must resume monitoring at the frequency identified in Table 2: Routine Monitoring in the quarter immediately following the quarter in which the system exceeds 0.060 mg/l for TTHMs and 0.045 mg/l for HAA5. For systems using only ground water not under the direct influence of surface water and serving fewer than ten thousand (10,000) persons, if either the TTHM annual average is greater than 0.080 mg/l or the HAA5 annual average is greater than 0.060 mg/l, the system must go to increased monitoring. Systems on increased monitoring may return to routine monitoring if after at least one (1) year of monitoring their TTHM annual average is less than or equal to 0.060 mg/L and HAA5 annual average is less than or equal to 0.045 mg/l, respectively.

*[D.]***E.** The department may return a system to routine monitoring at the department's discretion.

2. Chlorite. Community and nontransient noncommunity water systems using chlorine dioxide, for disinfection or oxidation, must conduct monitoring for chlorite.

A. Routine monitoring.

(I) Daily monitoring. Systems must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the chlorite MCL, the system must take additional samples in the distribution system the following day at the following locations: near the first customer; at a location representative of average residence time; and at a location reflecting maximum residence time in the distribution system, in addition to the sample required at the entrance to the distribution system.

(II) Monthly monitoring. Systems must take a three (3)-sample set each month in the distribution system. The system must take one (1) sample at each of the following locations: near the first customer; at a location representative of average residence time; and

at a location reflecting maximum residence time in the distribution system. Any additional routine sampling must be conducted in the same manner (as three (3)-sample sets, at the specified locations). The system may use the results of additional monitoring conducted under subparagraph (3)(B)2.B. to meet the requirement for monthly monitoring.

B. Additional monitoring. On each day following a routine sample monitoring result that exceeds the chlorite MCL at the entrance to the distribution system, the system is required to take three (3) chlorite distribution system samples at the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

C. Reduced monitoring.

(I) Chlorite monitoring at the entrance to the distribution system required by *[item]* **part** (3)(B)2.A.(I) of this rule may not be reduced.

(II) Chlorite monitoring in the distribution system required by *[item]* **part** (3)(B)2.A.(II) of this rule may be reduced to one (1) three (3)-sample set per quarter after one (1) year of monitoring where no individual chlorite sample taken in the distribution system under *[item]* **part** (3)(B)2.A.(II) of this rule has exceeded the chlorite MCL and the system has not been required to conduct monitoring under subparagraph (3)(B)2.B. of this rule. The system may remain on the reduced monitoring schedule until either any of the three (3) individual chlorite samples taken quarterly in the distribution system under *[item]* **part** (3)(B)2.A.(II) of this rule exceeds the chlorite MCL or the system is required to conduct monitoring under subparagraph (3)(B)2.B. of this rule, at which time the system must revert to routine monitoring.

3. Bromate.

A. Routine monitoring. Community and nontransient noncommunity systems using ozone for disinfection or oxidation must take one (1) sample per month for each treatment plant in the system using ozone. Systems must take samples monthly at the entrance to the distribution system while the ozonation system is operating under normal conditions.

B. Reduced monitoring.

(I) Through March 31, 2009, *[S]***s**ystems required to analyze for bromate may reduce monitoring from monthly to once per quarter, if the system**'s** *[demonstrates that the average source water bromide concentration is]* **average source water bromide concentration is** less than 0.05 mg/l based *[up]*on representative monthly bromide measurements for one (1) year. The system may remain on reduced bromate monitoring until the running annual average source water bromide concentration, computed quarterly, is equal to or greater than 0.05 mg/l based *[up]*on representative monthly measurements. If the running annual average source water bromide concentration is greater than or equal to 0.05 mg/l, the system must resume routine monitoring **required by subparagraph (3)(B)3.A. of this rule in the following month**.

(II) Beginning April 1, 2009, systems may no longer use the provisions of the preceding part (3)(B)3.B.(I) to qualify for reduced monitoring. A system required to analyze for bromate may reduce monitoring from monthly to quarterly, if the system's running annual average bromate concentration is less than or equal to 0.0025 mg/l based on monthly bromate measurements under subparagraph (3)(B)3.A. of this rule for the most recent four (4) quarters, with samples analyzed using Method 317.0 Revision 2.0, 326.0, or 321.8. If a system has qualified for reduced bromate monitoring under part (3)(B)3.B.(I), that system may remain on reduced monitoring as long as the running annual average of quarterly bromate samples is ≤0.0025 mg/l based on samples analyzed using Method 317.0 Revision 2.0, 326.0, or 321.8. If the running annual average bromate concentration is >0.0025 mg/l, the system must resume routine monitoring required by subparagraph (3)(B)3.A. of this rule.

(4) Compliance Requirements.

(D) Disinfection By-Product Precursors (DBPP).

1. Systems using surface water or ground water under the direct influence of surface water and using conventional filtration treatment must operate with enhanced coagulation or enhanced softening to achieve the TOC percent removal levels specified in this rule unless the system meets at least one (1) of the alternative compliance criteria listed here. These systems must still comply with monitoring requirements in sections (3)–(4) of this rule. The alternative compliance criteria for enhanced coagulation and enhanced softening are:

A. The system's source water TOC level, measured according to 10 CSR 60-5.010, is less than 2.0 mg/l, calculated quarterly as a running annual average;

B. The system's treated water TOC level, measured according to 10 CSR 60-5.010, is less than 2.0 mg/l, calculated quarterly as a running annual average;

C. The system's source water TOC level, measured according to 10 CSR 60-5.010, is less than 4.0 mg/l, calculated quarterly as a running annual average; the source water alkalinity, measured according to 10 CSR 60-5.010, is greater than sixty (60) mg/l (as $CaCO_3$), calculated quarterly as a running annual average; and either the TTHM and HAA5 running annual averages are no greater than 0.040 mg/l and 0.030 mg/l, respectively; or prior to the effective date for compliance with this rule, the system has made a clear and irrevocable financial commitment not later than the effective date for compliance with this rule to use *[of]* technologies that will limit the levels of TTHMs and HAA5 to no more than 0.040 mg/l and 0.030 mg/l, respectively. Systems must submit evidence of a clear and irrevocable financial commitment, in addition to a schedule containing milestones and periodic progress reports for installation and operation of appropriate technologies, to the department for approval not later than the effective date for compliance with this rule. These technologies must be installed and operating not later than June 30, 2005. Failure to install and operate these technologies by the date in the approved schedule will constitute a violation;

D. The TTHM and HAA5 running annual averages are no greater than 0.040 mg/l and 0.030 mg/l, respectively, and the system uses only chlorine for primary disinfection and maintenance of a residual in the distribution system;

E. The system's source water SUVA, prior to any treatment and measured monthly according to 10 CSR 60-5.010, is less than or equal to 2.0 *[/]***L**/mg-m, calculated quarterly as a running annual average. SUVA refers to Specific Ultraviolet Absorption at two hundred fifty-four nanometers (254 nm), an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nm (UV_{254}) (in $m^{=1}$) by its concentration of dissolved organic carbon (DOC) (in mg/l); and

F. The system's finished water SUVA, measured monthly according to 10 CSR 60-5.010, is less than or equal to 2.0 *[/]***L**/mg-m, calculated quarterly as a running annual average.

2. Additional alternative compliance criteria for softening systems. Systems practicing enhanced softening that cannot achieve the Step 1 TOC removals may use the alternative compliance criteria listed here in lieu of complying with paragraph (4)(D)3. of this rule. Systems must still comply with monitoring requirements in sections (3)–(4) of this rule.

A. Softening that results in lowering the treated water alkalinity to less than sixty (60) mg/l (as $CaCO_3$), measured monthly according to 10 CSR 60-5.010 and calculated quarterly as a running annual average.

B. Softening that results in removing at least ten (10) mg/l of magnesium hardness (as $CaCO_3$), measured monthly **according to 10 CSR 60-5.010** and calculated quarterly as an annual running average.

3. Enhanced coagulation and enhanced softening performance requirements.

A. Systems must achieve the percent reduction of TOC specified in Table 4 between the source water and the combined filter

effluent, unless the department approves a system's request for alternate minimum TOC removal (Step 2) requirements. Systems may begin monitoring to determine whether Step 1 TOC removals can be met twelve (12) months prior to the compliance date for the system. This monitoring is not required and failure to monitor during this period is not a violation. However, any system that does not monitor during this period, and then determines in the first twelve (12) months after the compliance date that it is not able to meet the Step 1 requirements and must therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements and is in violation. Systems may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date. For systems required to meet Step 1 TOC removals, if the value calculated under part (4)(D)4.A.(IV) of this rule is less than 1.00, the system is in violation of the treatment technique requirements and must notify the public pursuant to 10 CSR 60-8.010 in addition to reporting to the department pursuant to 10 CSR 60-7.010.

B. Required Step 1 TOC reductions, indicated in the following table, are based upon specified source water parameters measured in accordance with 10 CSR 60-5.010. Systems practicing softening are required to meet the Step 1 TOC reductions in the far right column (Source water alkalinity > 120 mg/l) for the specified source water TOC.

Table 4: Required Step 1 TOC Reduction

Step 1 Required Removal of TOC by Enhanced Coagulation and Enhanced Softening for Surface Water and GWUDISW Systems Using Conventional Treatment[1,2]			
	Source water alkalinity, mg/l as $CaCO_3$		
Source water TOC, mg/l	0–60	>60–120	>120[3]
>2.0–4.0	35.0%	25.0%	15.0%
>4.0–8.0	45.0%	35.0%	25.0%
>8.0	50.0%	40.0%	30.0%

[1]Systems meeting at least one of the conditions in paragraph (4)(D)1. of this rule are not required to operate with enhanced coagulation.

[2]Softening systems meeting one of the alternative compliance criteria in paragraph (4)(D)1. of this rule are not required to operate with enhanced softening.

[3]Systems practicing softening must meet the TOC removal requirements in this column.

C. Conventional treatment systems using surface water or ground water under the direct influence of surface water that cannot achieve the Step 1 TOC removals due to water quality parameters or operational constraints must apply to the department, within three (3) months of failure to achieve the Step 1 TOC removals, for approval of alternative minimum TOC removal (Step 2) requirements submitted by the system. If the department approves the alternative minimum TOC removal (Step 2) requirements, the department may make those requirements retroactive for the purposes of determining compliance. Until the department approves the alternate minimum TOC removal (Step 2) requirements, the system must meet the Step 1 TOC removals.

D. Alternate minimum TOC removal (Step 2) requirements. Applications made to the department by enhanced coagulation systems for approval of alternative minimum TOC removal (Step 2) requirements under subparagraph (4)(D)3.C. of this rule must include, as a minimum, results of bench- or pilot-scale testing conducted under this subparagraph (4)(D)3.D. and used to determine the alternate enhanced coagulation level.

(I) Alternate enhanced coagulation level is defined as coagulation at a coagulant dose and pH as determined by the method described here such that an incremental addition of ten (10) mg/l of alum (or equivalent amount of ferric salt) results in a TOC removal of less than or equal to 0.3 mg/l. The percent removal of TOC at this point on the "TOC removal versus coagulant dose" curve is then defined as the minimum TOC removal required for the system. Once approved by the department, this minimum requirement supersedes the minimum TOC removal required by Table 4 of this rule. This requirement will be effective until such time as the department approves a new value based on the results of a new bench- and pilot-scale test. Failure to achieve department-set alternative minimum TOC removal levels is a violation.

(II) Bench- or pilot-scale testing of enhanced coagulation must be conducted by using representative water samples and adding 10 mg/l increments of alum (or equivalent amounts of ferric salt) until the pH is reduced to a level less than or equal to the enhanced coagulation Step 2 target pH shown in Table 5.

Table 5: Enhanced Coagulation Step 2 Target pH

Alkalinity (mg/l as $CaCO_3$)	Target pH
0–60	5.5
>60–120	6.3
>120–240	7.0
>240	7.5

(III) For waters with alkalinities of less than sixty (60) mg/l for which addition of small amounts of alum or equivalent addition of iron coagulant drives the pH below 5.5 before significant TOC removal occurs, the system must add necessary chemicals to maintain the pH between 5.3 and 5.7 in samples until the TOC removal of 0.3 mg/l per 10 mg/l alum added (or equivalent addition of iron coagulant) is reached.

(IV) The system may operate at any coagulant dose or pH necessary (consistent with other regulatory requirements) to achieve the minimum TOC percent removal approved under subsection (3)(C) of this rule.

(V) If the TOC removal is consistently less than 0.3 mg/l of TOC per 10 mg/l of incremental alum dose at all dosages of alum (or equivalent addition of iron coagulant), the water is deemed to contain TOC not amenable to enhanced coagulation. The system may then apply to the department for a waiver of enhanced coagulation requirements.

4. Compliance calculations.

A. Systems using surface water or ground water under the direct influence of surface water, other than those identified in paragraphs (4)(D)1. or 2. of this rule, must comply with requirements contained in subparagraph (4)(D)3.B. of this rule. Systems must calculate compliance quarterly, beginning after the system has collected twelve (12) months of data, by determining an annual average using the following method:

(I) Determine actual monthly TOC percent removal, equal to: (1 – (treated water TOC/source water TOC)) × 100;

(II) Determine the required monthly TOC percent removal;

(III) Divide the value in part (4)(D)4.A.(I) by the value in part (4)(D)4.A(II); and

(IV) Add together the results of part (4)(D)4.A.(III) for the last twelve (12) months and divide by twelve (12). If the value calculated is less than 1.00, the system is not in compliance with the TOC percent removal requirements.

B. Systems may use the following provisions in lieu of the calculations in subparagraph (4)(D)4.A. of this rule to determine compliance with TOC percent removal requirements:

(I) In any month that the system's treated or source water TOC level, measured according to 10 CSR 60-5.010, is less than 2.0 mg/l, the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (4)(D)4.A.(III) of this rule);

(II) In any month that a system practicing softening removes at least 10 mg/l of magnesium hardness (as $CaCO_3$), the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (4)(D)4.A.(III) of this rule);

(III) In any month that the system's source water SUVA, prior to any treatment and measured according to 10 CSR 60-5.010, is less than or equal to 2.0 *[/]***L**/mg-m, the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (4)(D)4.A.(III) of this rule);

(IV) In any month that the system's finished water SUVA, measured according to 10 CSR 60-5.010, is less than or equal to 2.0 *[/]***L**/mg-m, the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (4)(D)4.A.(III) of this rule); and

(V) In any month that a system practicing enhanced softening lowers alkalinity below sixty (60) mg/l (as $CaCO_3$), the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (4)(D)4.A.(III) of this rule).

C. Systems using conventional treatment and surface water or ground water under the direct influence of surface water may also comply with the requirements of this rule by meeting the criteria in paragraph (4)(D)1. or 2. of this rule.

*AUTHORITY: section 640.100, RSMo Supp. [2002] **2007**. Original rule filed April 14, 1981, effective Oct. 11, 1981. Amended: Filed Feb. 1, 1996, effective Oct. 30, 1996. Amended: Filed Dec. 15, 1999, effective Sept. 1, 2000. Amended: Filed March 17, 2003, effective Nov. 30, 2003. Amended: Filed Oct. 1, 2008.*

PUBLIC COST: This proposed amendment will cost political subdivisions and state agencies less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this rulemaking at 10 a.m. on Dec. 9, 2008, at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. The hearing will be preceded by an information meeting beginning at 9:30 a.m. at the same location.

*Anyone may submit comments in support of or opposition to this proposed amendment. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language.*

The commission is also accepting written comments on this rulemaking. Written comments must be postmarked or received by Dec. 31, 2008. Written comments must be mailed or faxed to: Ms. Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102-0176. The fax number is (573) 751-3110.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 4—Contaminant Levels and Monitoring

PROPOSED RULE

10 CSR 60-4.092 Initial Distribution System Evaluation

PURPOSE: This rule incorporates by reference the Stage 2 Disinfectants/Disinfection By-Products Rule initial distribution system evaluation requirements found in 40 CFR part 141 subpart U, July 1, 2007.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The regulations set forth in 40 CFR part 141 subpart U, July 1, 2007, are incorporated by reference, subject to the clarification in section (2) of this rule. The *Code of Federal Regulations* is published by the U.S. Government and is available by calling toll-free (866) 512-1800 or going to http://bookstore.gpo.gov. The address is: U.S. Government Printing Office, U.S. Superintendent of Documents, Washington, DC 20402-001. This does not include later amendments or additions.

(2) Clarifications to the Incorporation by Reference.

(A) Missouri Department of Natural Resources shall be substituted for U.S. Environmental Protection Agency, EPA, the state, or primacy agency wherever those terms appear in the incorporated subpart.

(B) "Director" shall be substituted for administrator wherever that term appears in the incorporated subpart.

AUTHORITY: section 640.100, RSMo Supp. 2007. Original rule filed Oct. 1, 2008.

PUBLIC COST: This proposed rule is anticipated to cost state agencies and political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule is anticipated to cost private entities less than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this rulemaking at 10 a.m. on Dec. 9, 2008, at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. The hearing will be preceded by an information meeting beginning at 9:30 a.m. at the same location.

*Anyone may submit comments in support of or in opposition to this proposed rule. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed rule, and include alternative options or language.*

The commission is also accepting written comments on this rulemaking. Written comments must be postmarked or received by Dec. 31, 2008. Written comments must be mailed or faxed to: Ms. Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102-0176. The fax number is (573) 751-3110.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 4—Contaminant Levels and Monitoring

PROPOSED RULE

10 CSR 60-4.094 Stage 2 Disinfectants/Disinfection By-Products

*PURPOSE: This rule establishes monitoring and other requirements for the achieving compliance with maximum contaminant levels based on locational running annual averages for certain disinfection by-products and for achieving compliance with maximum residual disinfectant residuals for chlorine and chloramine for certain consecutive systems. This rule incorporates the requirements of subpart V of 40 CFR part 141, Stage 2 Disinfectants/Disinfection By-Products, published in the Jan. 4, 2006 **Federal Register**.*

(1) Stage 2 (Disinfectants/Disinfection By-Products (D/DBP)) Rule General Requirements.

(A) The requirements of this rule constitute national primary drinking water regulations. This rule establishes monitoring and other requirements for achieving compliance with maximum contaminant levels based on locational running annual averages (LRAA) for total trihalomethanes (TTHM) and haloacetic acids five (HAA5), and for achieving compliance with maximum residual disinfectant residuals for chlorine and chloramine for certain consecutive systems.

(B) Applicability. This rule applies to community water systems and nontransient noncommunity water systems that use a primary or residual disinfectant other than ultraviolet light or deliver water that has been treated with a primary or residual disinfectant other than ultraviolet light.

(C) Compliance Schedules.

1. Systems must comply with the requirements in this rule on the following schedule. The department may grant up to an additional twenty-four (24) months beyond the deadlines specified below for compliance with maximum contaminant levels (MCL) and operational evaluation levels if capital improvements are required to comply with an MCL.

A. Systems that are not part of a combined distribution system and systems that serve the largest population in the combined distribution system.

(I) Systems serving $\geq$ 100,000 population must comply with this rule by April 1, 2012.

(II) Systems serving 50,000–99,999 population must comply with this rule by October 1, 2012.

(III) Systems serving 10,000–49,999 population must comply with this rule by October 1, 2013.

(IV) Systems serving $<$10,000 population must comply with this rule by October 1, 2013 if no *Cryptosporidium* monitoring is required under 10 CSR 60-4.052(2)(A)4. or October 1, 2014, if *Cryptosporidium* monitoring is required under 10 CSR 60-4.052(2)(A)4.

B. Other systems that are part of a combined distribution system. Consecutive system or wholesale system must comply with this rule at the same time as the system with the earliest compliance date in the combined distribution system.

2. Monitoring frequency is specified in paragraph (2)(A)2. of this rule.

A. If you are required to conduct quarterly monitoring, you must begin monitoring in the first full calendar quarter that includes the applicable compliance date in paragraph (1)(C)1. of this rule.

B. If you are required to conduct monitoring at a frequency that is less than quarterly, you must begin monitoring in the calendar month recommended in the Initial Distribution System Evaluation (IDSE) report prepared under Standard Monitoring or the System Specific studies in 40 CFR part 141 subpart U, incorporated by reference in 10 CSR 60-4.092, or the calendar month identified in the monitoring plan developed under section (3) of this rule no later than twelve (12) months after the compliance date in this table.

3. If you are required to conduct quarterly monitoring, you must make compliance calculations at the end of the fourth calendar quarter that follows the compliance date and at the end of each subsequent quarter (or earlier if the LRAA calculated based on fewer than four (4) quarters of data would cause the MCL to be exceeded regardless of the monitoring results of subsequent quarters). If you are required to conduct monitoring at a frequency that is less than quarterly, you must make compliance calculations beginning with the first compliance sample taken after the compliance date.

4. For the purpose of the schedule in paragraph (1)(C)1. of this rule, the department may determine that the combined distribution system does not include certain consecutive systems based on factors such as receiving water from a wholesale system only on an emergency basis or receiving only a small percentage and small volume of water from a wholesale system. The department may also determine that the combined distribution system does not include certain wholesale systems based on factors such as delivering water to a consecutive system only on an emergency basis or delivering only a small percentage and small volume of water to a consecutive system.

(D) Monitoring and Compliance.

1. Systems required to monitor quarterly. To comply with MCLs in section 10 CSR 60-4.090(1)(D) you must calculate LRAAs for TTHM and HAA5 using monitoring results collected under this rule and determine that each LRAA does not exceed the MCL. If you fail to complete four (4) consecutive quarters of monitoring, you must calculate compliance with the MCL based on the average of the available data from the most recent four (4) quarters. If you take more than one (1) sample per quarter at a monitoring location, you must average all samples taken in the quarter at that location to determine a quarterly average to be used in the LRAA calculation.

2. Systems required to monitor yearly or less frequently. To determine compliance with the Stage 2 DBP rule MCLs in subsection 10 CSR 60-4.090(1)(D), you must determine that each sample taken is less than the MCL. If any sample exceeds the MCL, you must comply with the requirements of section (6) of this rule. If no sample exceeds the MCL, the sample result for each monitoring location is considered the LRAA for that monitoring location.

(E) Violation. You are in violation of the monitoring requirements for each quarter that a monitoring result would be used in calculating an LRAA if you fail to monitor.

(2) Routine Monitoring.

(A) Monitoring.

1. If you submitted an IDSE report, you must begin monitoring at the locations and months you have recommended in your IDSE report submitted under the monitoring location recommendations and chart in 40 CFR part 141 subpart U, which is incorporated by reference in 10 CSR 60-4.092, following the schedule in subsection (1)(C) of this rule, unless the department requires other locations or additional locations after its review. If you submitted a 40/30 certification or qualified for a very small system waiver under 40 CFR part 141 subpart U, which is incorporated by reference in 10 CSR 60-4.092, or you are a nontransient noncommunity water system serving less than ten thousand (10,000) population, you must monitor at the location(s) and dates identified in your monitoring plan under 10 CSR 60-4.090(3)(A)3., updated as required by section (3) of this rule.

2. You must monitor at no fewer than the number of locations identified in the following table.

Stage 2 D/DBP Routine Monitoring

Source water type	Population size category	Monitoring Frequency[1]	Distribution system monitoring location total per monitoring period [2]
Surface water system or ground water under the direct influence of surface water:	< 500	Per year	2
	500–3,300	Per quarter	2
	3,301–9,999	Per quarter	2
	10,000–49,999	Per quarter	4
	50,000–249,999	Per quarter	8
	250,000–999,999	Per quarter	12
	1,000,000–4,999,999	Per quarter	16
	≥ 5,000,000	Per quarter	20
Ground water:	< 500	Per year	2
	500–9,999	Per year	2
	10,000–99,999	Per quarter	4
	100,000–499,999	Per quarter	6
	≥ 500,000	Per quarter	8

[1] All systems must monitor during month of highest DBP concentrations.

[2] Systems on quarterly monitoring must take dual sample sets every 90 days at each monitoring location, except for surface water systems or ground water under the direct influence of surface water serving 500–3,300. Systems on annual monitoring and surface water systems or ground water under the direct influence of surface water serving 500–3,300 are required to take individual TTHM and HAA5 samples (instead of a dual sample set) at the location with the highest TTHM and HAA5 concentrations, respectively. Only one (1) location with a dual sample set per monitoring period is needed if the highest TTHM and HAA5 concentrations occur at the same location (and month, if monitored annually).

3. If you are an undisinfected system that begins using a disinfectant other than ultraviolet (UV) light after the dates in 40 CFR subpart U for complying with the Initial Distribution System Evaluation requirements, you must consult with the department to identify compliance monitoring locations for this rule. You must then develop a monitoring plan under section (3) of this rule that includes those monitoring locations.

(B) Analytical methods. You must use an approved method listed in 10 CSR 60-5.010 for TTHM and HAA5 analyses. Analyses must be conducted by laboratories that have received certification by Environmental Protection Agency (EPA) or the department as specified in 10 CSR 60-5.010.

(3) Stage 2 D/DBP Rule Monitoring Plan.

(A) Developing and implementing a monitoring plan.

1. You must develop and implement a monitoring plan to be kept on file for department and public review. The monitoring plan must contain the following elements and be complete no later than the date you conduct your initial monitoring under this rule:

A. Monitoring locations;

B. Monitoring dates;

C. Compliance calculation procedures; and

D. Monitoring plans for any other systems in the combined distribution system if the department has reduced monitoring requirements.

2. If you were not required to submit an IDSE report under either Standard Monitoring or System Specific Studies in 40 CFR subpart U, and you do not have sufficient Stage 1 D/DBP rule monitoring locations to identify the required number of Stage 2 D/DBP rule compliance monitoring locations indicated in the Monitoring Location Recommendations table in 40 CFR subpart U, you must identify additional locations by alternating selection of locations representing high TTHM levels and high HAA5 levels until the required number of compliance monitoring locations have been identified. You must also provide the rationale for identifying the locations as having high levels of TTHM or HAA5. If you have more Stage 1 D/DBP rule monitoring locations than required for Stage 2 D/DBP rule compliance monitoring, detailed in the Monitoring Location Recommendations table in 40 CFR part 141 subpart U, you must identify which locations you will use for Stage 2 D/DBP rule compliance monitoring by alternating selection of locations representing high TTHM levels and high HAA5 levels until the required number of Stage 2 D/DBP rule compliance monitoring locations have been identified.

(B) If you are a surface water system or ground water under the direct influence of surface water system serving greater than three thousand three hundred (>3,300) people, you must submit a copy of your monitoring plan to the department prior to the date you conduct your initial monitoring under this rule, unless your IDSE report submitted under 40 CFR part 141 subpart U contains all the information required by section (3) of this rule.

(C) You may revise your monitoring plan to reflect changes in treatment, distribution system operations and layout (including new service areas), or other factors that may affect TTHM or HAA5 formation, or for department-approved reasons, after consultation with the department regarding the need for changes and the appropriateness of changes. If you change monitoring locations, you must replace existing compliance monitoring locations with the lowest LRAA with new locations that reflect the current distribution system locations with expected high TTHM or HAA5 levels. The department may also require modifications in your monitoring plan. If you are a surface water system or ground water under the direct influence of surface water system serving greater than three thousand three hundred (3,300) people, you must submit a copy of your modified monitoring plan to the department prior to the date you are required to comply with the revised monitoring plan.

(4) Reduced Monitoring.

(A) You may reduce monitoring to the level specified in this subsection (4)(A) any time the LRAA is ≤0.040 mg/L for TTHM and

≤0.030 mg/L for HAA5 at all monitoring locations. You may only use data collected under the provisions of this rule or the Stage 1 D/DBP rule to qualify for reduced monitoring. In addition, the source water annual average total organic carbon (TOC) level, before any treatment, must be ≤4.0 mg/L at each treatment plant treating surface water or ground water under the direct influence of surface water, based on monitoring conducted under either 10 CSR 60-4.090(3)(B)1.C. or 10 CSR 60-4.090(3)(D).

Stage 2 D/DBP Reduced Monitoring

Source water type	Population size category	Monitoring Frequency[1]	Distribution system monitoring location per monitoring period
Surface water system or ground water under the direct influence of surface water:	<500	.....	Monitoring may not be reduced.
	500–3,300	Per year	1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement; one at the location and during the quarter with the highest HAA5 single measurement; and 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter.
	3,301–9,999	Per year	2 dual sample sets: one at the location and during the quarter with the highest TTHM single measurement; and one at the location and during the quarter with the highest HAA5 single measurement.
	10,000–49,999	Per quarter	2 dual sample sets at the locations with the highest TTHM and highest HAA5 LRAAs.
	50,000–249,999	Per quarter	4 dual sample sets—at the locations with the two highest TTHM and two highest HAA5 LRAAs.
	250,000–999,999	Per quarter	6 dual sample sets—at the locations with the three highest TTHM and three highest HAA5 LRAAs.
	1,000,000–4,999,999	Per quarter	8 dual sample sets—at the locations with the four highest TTHM and four highest HAA5 LRAAs.
	≥5,000,000	Per quarter	10 dual sample sets—at the locations with the five highest TTHM and five highest HAA5 LRAAs.
Ground water:	<500	Every third year	1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement; one at the location and during the quarter with the highest HAA5 single measurement; and 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter.
	500-9,999	Per year	1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement; one at the location and during the quarter with the highest HAA5 single measurement; and 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter.

	10,000-99,999	Per year	2 dual sample sets: one at the location and during the quarter with the highest TTHM single measurement; and one at the location and during the quarter with the highest HAA5 single measurement.
	100,000-499,999	Per quarter	2 dual sample sets; at the locations with the highest TTHM and highest HAA5 LRAAs.
	≥500,000	Per quarter	4 dual sample sets at the locations with the two highest TTHM and two highest HAA5 LRAAs.

[1] Systems on quarterly monitoring must take dual sample sets every 90 days.

(B) You may remain on reduced monitoring as long as the TTHM LRAA ≤0.040 mg/L and the HAA5 LRAA ≤0.030 mg/L at each monitoring location (for systems with quarterly reduced monitoring) or each TTHM sample ≤0.060 mg/L and each HAA5 sample ≤0.045 mg/L (for systems with annual or less frequent monitoring). In addition, the source water annual average TOC level, before any treatment, must be ≤4.0 mg/L at each treatment plant treating surface water or ground water under the direct influence of surface water, based on monitoring conducted under either 10 CSR 60-4.090(3)(B)1.C. or 10 CSR 60-4.090(3)(D).

(C) If the LRAA based on quarterly monitoring at any monitoring location exceeds either 0.040 mg/L for TTHM or 0.030 mg/L for HAA5 or if the annual (or less frequent) sample at any location exceeds either 0.060 mg/L for TTHM or 0.045 mg/L for HAA5, or if the source water annual average TOC level, before any treatment, >4.0 mg/L at any treatment plant treating surface water or ground water under the direct influence of surface water, you must resume routine monitoring under section 10 CSR 60-4.094(2) or begin increased monitoring if section 10 CSR 60-4.094(6) applies.

(D) The department may return your system to routine monitoring at the department's discretion.

(5) Additional Requirements for Consecutive Systems. If you are a consecutive system that does not add a disinfectant but delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light, you must comply with analytical and monitoring requirements for chlorine and chloramines in 10 CSR 60-5.010 and 10 CSR 60-4.055(4)(E) and the compliance requirements in 10 CSR 60-4.090(4)(C)1. beginning April 1, 2009, unless required earlier by the department, and report monitoring results under 10 CSR 60-7.010(6)(C).

(6) Conditions Requiring Increased Monitoring.

(A) If you are required to monitor at a particular location annually or less frequently than annually under section (2) or (4) of this rule, you must increase monitoring to dual sample sets once per quarter (taken every ninety (90) days) at all locations if a TTHM sample is >0.080 mg/L or a HAA5 sample is >0.060 mg/L at any location.

(B) You are in violation of the MCL when the LRAA exceeds the Stage 2 D/DBP rule MCLs in subsection 10 CSR 60-4.090(1)(D), calculated based on four (4) consecutive quarters of monitoring (or the LRAA calculated based on fewer than four (4) quarters of data if the MCL would be exceeded regardless of the monitoring results of subsequent quarters). You are in violation of the monitoring requirements for each quarter that a monitoring result would be used in calculating an LRAA if you fail to monitor.

(C) You may return to routine monitoring once you have conducted increased monitoring for at least four (4) consecutive quarters and the LRAA for every monitoring location is ≤0.060 mg/L for TTHM and ≤0.045 mg/L for HAA5.

(7) Operational Evaluation Levels.

(A) You have exceeded the operational evaluation level at any monitoring location where the sum of the two (2) previous quarters of TTHM results plus twice the current quarter's TTHM result, divided by four (4) to determine an average, exceeds 0.080 mg/L, or where the sum of the two (2) previous quarters of HAA5 results plus twice the current quarter's HAA5 result, divided by four (4) to determine an average, exceeds 0.060 mg/L.

(B) If Operational Evaluation Levels are Exceeded.

1. If you exceed the operational evaluation level, you must conduct an operational evaluation and submit a written report of the evaluation to the department no later than ninety (90) days after being notified of the analytical result that causes you to exceed the operational evaluation level. The written report must be made available to the public upon request.

2. Your operational evaluation must include an examination of system treatment and distribution operational practices, including storage tank operations, excess storage capacity, distribution system flushing, changes in sources or source water quality, and treatment changes or problems that may contribute to TTHM and HAA5 formation and what steps could be considered to minimize future exceedences.

A. You may request and the department may allow you to limit the scope of your evaluation if you are able to identify the cause of the operational evaluation level exceedance.

B. Your request to limit the scope of the evaluation does not extend the schedule in paragraph (7)(B)1. of this rule for submitting the written report. The department must approve this limited scope of evaluation in writing, and you must keep that approval with the completed report.

(8) Requirements for Remaining on Reduced TTHM and HAA5 Monitoring Based on Stage 1 D/DBP Rule Results. You may remain on reduced monitoring after the dates identified in subsection (1)(C) of this rule for compliance with this rule only if you qualify for a 40/30 certification under 40 CFR part 141 subpart U or have received a very small system waiver under 40 CFR part 141 subpart U, plus you meet the reduced monitoring criteria in subsection (4)(A) of this rule, and you do not change or add monitoring locations from those used for compliance monitoring under the Stage 1 D/DBP rule. If your monitoring locations under this rule differ from your monitoring locations under the Stage 1 D/DBP rule, you may not remain on reduced monitoring after the dates identified in subsection (1)(C) for compliance with this rule.

(9) Requirements for Remaining on Increased TTHM and HAA5 Monitoring Based on Stage 1 DBP Rule Results. If you were on increased monitoring under 10 CSR 60-4.090(3)(B)1., you must remain on increased monitoring until you qualify for a return to routine monitoring under subsection (6)(C) of this rule. You must conduct increased monitoring under section (6) of this rule at the monitoring locations in the monitoring plan developed under section (3) of this rule beginning at the date identified in subsection (1)(C) of this rule for compliance with this rule and remain on increased monitoring until you qualify for a return to routine monitoring under subsection (6)(C) of this rule.

(10) Stage 2 D/DBP Reporting and Record-Keeping Requirements.

(A) Reporting requirements are found in 10 CSR 60-7.010, Reporting Requirements.

(B) Record-keeping requirements are found in 10 CSR 60-9.010, Requirements for Maintaining Public Water System Records.

AUTHORITY: section 640.100, RSMo Supp. 2007. Original rule filed Oct. 1, 2008.

PUBLIC COST: This rule is anticipated to cost the Missouri Department of Natural Resources approximately four hundred eighty-eight thousand nine hundred eighty-seven dollars ($488,987) annually for the duration of the rule and six hundred ninety (690) publicly-owned public water systems that add a disinfectant or provide water containing a disinfectant approximately twenty thousand seven hundred dollars ($20,700) annually for the duration of the rule and $12,890,580 in one (1)-time costs.

PRIVATE COST: This rule is anticipated to cost two hundred eighty-two (282) privately-owned public water systems that add a disinfectant or provide water containing a disinfectant approximately eight thousand four hundred sixty dollars ($8,460) annually for the duration of the rule and $5,265,204 in one (1)-time costs.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this rulemaking at 10 a.m. on Dec. 9, 2008, at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. The hearing will be preceded by an information meeting beginning at 9:30 a.m. at the same location.

Anyone may submit comments in support of or in opposition to this proposed rule. In preparing your comments, please include the regulatory citation and the ***Missouri Register*** *page number. Please explain why you agree or disagree with the proposed rule, and include alternative options or language.*

The commission is also accepting written comments on this rulemaking. Written comments must be postmarked or received by Dec. 31, 2008. Written comments must be mailed or faxed to: Ms. Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102-0176. The fax number is (573) 751-3110.

FISCAL NOTE
PUBLIC COST

I. Department Title: Department of Natural Resources
Division Title: Public Drinking Water Program
Chapter Title: Contaminant Levels and Monitoring

Rule Number and Name:	10 CSR 60-4.094 **Stage 2 Disinfectants/Disinfection By-Products**
Type of Rulemaking:	Proposed Rule

II. Summary of Fiscal Impact

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Natural Resources	$488,987 annually for the duration of the rule
Publicly-owned public water systems that add a disinfectant or provide water containing a disinfectant.	$12,890,580 in one-time costs and $20,700 annually for the duration of the rule

III. Worksheet

MDNR Costs:
4564 TTHM samples x $37.74 per sample = $172,245.36
4564 HAA5 samples x $27.41 per sample = $125,099.24
3.0 FTEs x $63,881 = $191,643

Public Water System Costs:
Sample Collection = 690 systems x 2 hours x $15 = $20,700 annually for the duration of the rule
Develop monitoring plans = 690 systems x 10 hours x $15 = $103,500 (one-time cost)
Conduct Operational Evaluations = 690 systems x 30% x 16 hours x $15 = $49,680 (one-time cost)
Capital and O&M Costs = $17.94 million x 71% public systems = $12,737,400 (one-time cost)

IV. Assumptions

1. All but three of Missouri's public water systems use the MDNR laboratory for chemical analysis. The lab's unit cost per sample includes equipment costs, supplies, personal service and fringe. Currently the per sample cost is $47.74 for trihalomethanes and $27.41 for haloacetic acids.

2. MDNR Regional Office technical staff will need to provide technical assistance and training for operators on new regulatory requirements and treatment techniques (estimate 4000 hours).

3. MDNR Public Drinking Water Branch staff will have to schedule monitoring, track sample kits, store and review data, track compliance, follow-up on compliance activities for systems with monitoring or MCL violations, and provide general technical assistance to public water systems and regional office staff (estimate 2000 hours).

4. MDNR average FTE cost including salary, fringe benefits, and equipment and expense for FY09 is approximately $63,881 for the Environmental Specialist III classification. The average work hours for an FTE is estimated at 2000 hours.

5. Each system will incur labor costs to collect the required DBP samples. The number of samples and frequency of sampling vary based on system size and the source of water. The total estimated number of TTHM and HAA5 samples per year is 4564. The samples are taken in dual sets. The average number of samples per system is seven. The estimated time it would take to collect samples is two hours at $15 per hour.

6. Missouri has a total of 972 community and nontransient noncommunity systems that add a disinfectant to their water or serve water that contains a disinfectant. Seventy-one percent of this total (690 systems) are publicly owned. Each system will be required to prepare a monitoring plan. It will take an average of 10 hours per system to develop a plan at a labor cost of $15 per hour.

7. The Stage 2 D/DBP rule requires systems that exceed Operational Evaluation Levels to examine their operational practices to identify ways to reduce DBP concentrations in distribution systems. An Operational Evaluation Level is exceeded when the sum of the two previous quarters of TTHM results plus two times the current quarter's TTHM results divided by four exceeds 80 ug/L, or where the sum of the previous two quarters results for HAA5 plus two times the current quarter's results for HAA5 exceeds 60 ug/L. Systems that exceed Operational Evaluation Levels must submit a written report to the state no later than 90 days after being notified of the analytical results. MDNR has been doing special monitoring in the consecutive systems (they have not been required to monitor for DBPs under previous rules) to prepare them for the Stage 2 D/DBP rule as well as the Stage 1 D/DBP rule compliance monitoring. Based on the current data the department estimates that approximately 30% of these systems will trigger Operational Evaluation Levels. The estimated time to perform an evaluation is 16 hours at a labor rate of $15 per hour.

8. By far, the largest expense to Missouri's public water system will be the capital costs of installing new DBP control technologies and operational and maintenance costs. Most of Missouri's water systems are currently meeting the Stage 1 D/DBP standards with compliance based on a running annual average. However, the compliance calculation in the Stage 2 D/DBP rule will be based on a locational running annual average (LRAA). Many of Missouri's systems will need to change their distribution system disinfectant from free chlorine to chloramines to be able to comply with the LRAA. Others will need to modify treatment in order to enhance their coagulation step to remove DBP precursors more effectively. Others may use alternative disinfectants like chlorine dioxide or ozone. Others may use activated carbon to absorb DBPs after they are formed in the treatment plant. Others may use membranes to remove precursors instead of enhancing coagulation. EPA did a cost analysis in the final Stage 2 D/DBP rule, published in the federal register on January 4, 2006, Volume 71, Number 2. EPA predicts that approximately 11% of surface water systems and 3% of groundwater systems will make changes their treatment technologies (Table VI.D-6 on page 455). Table VI.D-7 on page 456 summarizes EPA's national cost estimates for the Stage 2 D/DBP rule. EPA estimates the total initial capital cost will be $840 million and the operation and maintenance costs to be $57 million. Using a per capita calculation using Missouri's population of 5.8 million people and the national population of 304 million, Missouri's water system cost would be approximately 2% of the national cost. Another way to calculate the cost is to compare the number of water systems in Missouri to those nationally. EPA's website has inventory data that shows there are 158,802 public water systems in the United States. Of that total 106,400 are community and nontransient noncommunity systems. There are currently 1723 community and nontransient noncommunity systems in Missouri, which also equates to approximately 2% of the national total. Taking 2% of the national costs would equate to $17.94 million for Missouri.

FISCAL NOTE
PRIVATE COST

I. Department Title: Department of Natural Resources
Division Title: Public Drinking Water Program
Chapter Title: Contaminant Levels and Monitoring

Rule Number and Name:	10 CSR 60-4.094 **Stage 2 Disinfectants/Disinfection By-Products**
Type of Rulemaking:	Proposed Rule

II. Summary of Fiscal Impact

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
282 public water systems are privately owned and add a disinfectant or provide water containing a disinfectant	$8,460 annually for the duration of the rule $5,265,204 in one-time costs

III. Worksheet

Sample Collection = 282 systems x 2 hours x $15 = $8,460 (annually for the duration of the rule)

Develop monitoring plans = 282 systems x 10 hours x $15 = $42,300 (one-time costs)

Conduct Operational Evaluations = 282 systems x 30% x 16hours x $15 = $20,304 (one-time costs)

Capital and O&M Costs = $17.94 million x 29% private systems = $5,202,600 (one-time costs)

IV. Assumptions

1. Each system will incur labor costs to collect the required DBP samples. The number of samples and frequency of sampling vary based on system size and the source of water. The total estimated number of TTHM and HAA5 samples per year is 4564. The samples are taken in dual sets. The average number of samples per system is seven. The estimated time it would take to collect samples is two hours at $15 per hour.

2. Missouri has a total of 972 community and nontransient noncommunity systems that add a disinfectant to their water or serve water that contains a disinfectant. Of this total, 29% are privately owned systems (282 systems). Each system will be required to prepare a monitoring plan. It will take an average of 10 hours per system to develop a plan at a labor cost of $15 per hour.

3. The Stage 2 D/DBP rule requires systems that exceed Operational Evaluation Levels to examine their operational practices to identify ways to reduce DBP concentrations in distribution systems. An Operational Evaluation Level is exceeded when the sum of the two previous quarters of TTHM results plus two times the current quarter's TTHM results divided by four exceeds 80 ug/L, or where the sum of the previous two quarters results for HAA5 plus two times the current quarter's results for HAA5 exceeds 60 ug/L. Systems that exceed Operational Evaluation Levels must submit a written report to the state no later than 90 days after being notified of the analytical results. The department

has been doing special monitoring in the consecutive systems (they have not been required to monitor for DBPs under previous rules) to prepare them for the Stage 2 D/DBP rule as well as the Stage 1 D/DBP rule compliance monitoring. Based on the current data the department estimates that approximately 30% of the systems will trigger Operational Evaluation Levels. The estimated time to perform an evaluation is 16 hours at a labor rate of $15 per hour.

4. By far, the largest expense to Missouri's privately-owned public water systems will be the capital costs of installing new DBP control technologies and operation and maintenance costs. Most of Missouri's water systems are currently meeting the Stage 1 D/DBP standards with compliance based on a running annual average. However, the compliance calculation in the Stage 2 D/DBP rule will be based on a locational running annual average (LRAA). Many of Missouri's systems will need to change their distribution system disinfectant from free chlorine to chloramines to be able to comply with the LRAA. Others will need to modify treatment in order to enhance their coagulation step to remove DBP precursors more effectively. Others may use alternative disinfectants like chlorine dioxide or ozone. Others may use activated carbon to absorb DBPs after they are formed in the treatment plant. Others may use membranes to remove precursors instead of enhancing coagulation. EPA did a cost analysis in the final Stage 2 D/DBP rule, published in the federal register on January 4, 2006, Volume 71, Number 2. EPA predicts that approximately 11% of surface water systems and 3% of groundwater systems will make changes their treatment technologies (Table VI.D-6 on page 455). Table VI.D-7 on page 456 summarizes EPA's national cost estimates for the Stage 2 D/DBP rule. EPA estimates the total initial capital cost will be $840 million and the operation and maintenance costs to be $57 million. Using a per capita calculation using Missouri's population of 5.8 million people and the national population of 304 million, Missouri's water system cost would be approximately 2% of the national cost. Another way to calculate the cost is to compare the number of water systems in Missouri to those nationally. EPA's website has inventory data that shows there are 158,802 public water systems in the United States. Of that total 106,400 are community and nontransient noncommunity systems. There are currently 1,723 community and nontransient noncommunity systems in Missouri, which also equates to approximately 2% of the national total. Taking 2% of the national costs would equate to $17.94 million for Missouri.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 5—Laboratory and Analytical Requirements

PROPOSED AMENDMENT

10 CSR 60-5.010 Acceptable and Alternate Procedures for Analyses. The commission is amending sections (5) and (8).

PURPOSE: This amendment incorporates by reference analytical methods and detection limits included in the Stage 2 Disinfectants/Disinfection By-Product Rule and Long-Term 2 Enhanced Surface Water Treatment Rule as published in the July 1, 2007 ***Code of Federal Regulations****.*

(5) Disinfection By-Products, Residual Disinfectant Concentrations, and Disinfection By-Product Precursors. Unless substitute methods are approved by the department, analysis shall be conducted in accordance with the disinfection by-product, residual disinfectant concentration, and disinfection by-product precursor analytical methods in 40 CFR 141.74(a)(2) and 40 CFR 141.131 of the July 1, *[2003]* **2007** *Code of Federal Regulations*, which are incorporated by reference. **This does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to http://bookstore.gpo.gov.**

(8) Detection Limits.

(A) Detection limits for inorganic contaminants in 40 CFR 141.23(a)(4)(i) of the July 1, 2003 *Code of Federal Regulations* are incorporated by reference. **This does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to http://bookstore.gpo.gov.**

(B) Practical Quantitation Levels (PQL) for lead and copper in 40 CFR 141.89(a)(1)(ii)(A) and (B) of the July 1, 2003 *Code of Federal Regulations* are incorporated by reference. **This does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to http://bookstore.gpo.gov.**

(C) Detection limit for volatile organic contaminants in 40 CFR 141.24(f)(7) of the July 1, 2003 *Code of Federal Regulations* are incorporated by reference. **This does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to http://bookstore.gpo.gov.**

(D) Detection limits for synthetic organic contaminants in 40 CFR 141.24(h)(13)(ii) and 141.24(h)(18) of the July 1, 2003 *Code of Federal Regulations* are incorporated by reference. **This does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to http://bookstore.gpo.gov.**

(E) Detection limits for radiological contaminants in 40 CFR 141.25(c) of the July 1, 2003 *Code of Federal Regulations* are incorporated by reference. **This does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to http://bookstore.gpo.gov.**

(F) Detection limits for disinfection by-products in 40 CFR 141.64 of the July 1, 2007 *Code of Federal Regulations* are incorporated by reference. This does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to http://bookstore.gpo.gov.

AUTHORITY: section[s] 640.100, RSMo Supp. [2003] ***2007*** *and* ***section*** *640.125.1, RSMo 2000. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the* ***Code of State Regulations****. Amended: Filed Oct. 1, 2008.*

PUBLIC COST: This proposed amendment will cost state agencies and other political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this rulemaking at 10 a.m. on Dec. 9, 2008, at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. The hearing will be preceded by an information meeting beginning at 9:30 a.m. at the same location.

Anyone may submit comments in support of or opposition to this proposed amendment. In preparing your comments, please include the regulatory citation and the ***Missouri Register*** *page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language.*

The commission is also accepting written comments on this rulemaking. Written comments must be postmarked or received by Dec. 31, 2008. Written comments must be mailed or faxed to: Ms. Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102-0176. The fax number is (573) 751-3110.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—*[Public] Safe* Drinking Water *[Program] Commission*
Chapter 7—Reporting

PROPOSED AMENDMENT

10 CSR 60-7.010 Reporting Requirements. The commission is adding a new section (8) and renumbering subsequent sections.

PURPOSE: This amendment adopts without variance the reporting requirements in the Stage 2 Disinfectants/Disinfection By-Products Rule found in 40 CFR 141.629, July 1, 2007.

(8) Stage 2 Disinfectants/Disinfection By-Products (D/DBP) Rule Reporting and Record Keeping Requirements.

(A) Reporting.

1. You must report the following information for each monitoring location to the department within ten (10) days of the end of any quarter in which monitoring is required:

A. Number of samples taken during the last quarter;

B. Date and results of each sample taken during the last quarter;

C. Arithmetic average of quarterly results for the last four (4) quarters for each monitoring location (LRAA), beginning at the end of the fourth calendar quarter that follows the compliance date and at the end of each subsequent quarter. If the LRAA calculated based on fewer than four (4) quarters of data would cause the maximum contaminant level (MCL) to be exceeded regardless of the monitoring results of subsequent quarters, you must report this information to the department as part of the first report due following the compliance date or anytime thereafter that this determination is made. If you are required to conduct monitoring at a frequency that is less than quarterly, you

must make compliance calculations beginning with the first compliance sample taken after the compliance date, unless you are required to conduct increased monitoring under section 10 CSR 60-4.094(6);

D. Whether based on 10 CSR 60-4.090(1)(D) and this rule, the MCL was violated at any monitoring location; and

E. Any operational evaluation levels that were exceeded during the quarter and, if so, the location and date, and the calculated total trihalomethanes (TTHM) and haloacetic acids 5 (HAA5) levels.

2. If you are a surface water system or ground water under the direct influence of surface water system seeking to qualify for or remain on reduced TTHM/HAA5 monitoring, you must report the following source water total organic carbon (TOC) information for each treatment plant that treats surface water or ground water under the direct influence of surface water to the department within ten (10) days of the end of any quarter in which monitoring is required:

A. The number of source water TOC samples taken each month during last quarter;

B. The date and result of each sample taken during last quarter;

C. The quarterly average of monthly samples taken during last quarter or the result of the quarterly sample;

D. The running annual average (RAA) of quarterly averages from the past four (4) quarters; and

E. Whether the RAA exceeded 4.0 mg/L.

3. The department may choose to perform calculations and determine whether the MCL was exceeded or the system is eligible for reduced monitoring in lieu of having the system report that information.

*[(8)]***(9)** Each system, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must report that occurrence to the department as soon as possible but no later than by the end of the next business day. If the system is notified by the department or the Department of Health **and Senior Services** of an outbreak, the reporting requirement of this section is waived.

*[(9)]***(10)** A supplier of water shall submit proof to the department that public notification has been made within ten (10) days of the date that the notice was to have been made for initial public notice and any repeat notices. The supplier of water shall provide a certification he/she has fully complied with the public notification regulations, and shall provide a representative copy of each type of notice distributed, published, posted, and made available to the persons served by the system and to the media.

*AUTHORITY: section 640.100, RSMo Supp. [2002] **2007**. Original rule filed May 4, 1979, effective Sept. 14, 1979. Amended: Filed April 14, 1981, effective Oct. 11, 1981. Amended: Filed July 12, 1991, effective Feb. 6, 1992. Amended: Filed Dec. 15, 1999, effective Sept. 1, 2000. Amended: Filed March 17, 2003, effective Nov. 30, 2003. Amended: Filed Oct. 1, 2008.*

PUBLIC COST: This proposed amendment is anticipated to cost publicly-owned public water systems approximately one thousand nine hundred twenty dollars ($1,920) annually for the duration of the rule.

PRIVATE COST: This proposed amendment is anticipated to cost one privately-owned public water system approximately six hundred forty dollars ($640) annually for the duration of the rule.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this rulemaking at 10 a.m. on Dec. 9, 2008, at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. The hearing will be preceded by an information meeting beginning at 9:30 a.m. at the same location.

*Anyone may submit comments in support of or opposition to this proposed amendment. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language.*

The commission is also accepting written comments on this rulemaking. Written comments must be postmarked or received by Dec. 31, 2008. Written comments must be mailed or faxed to: Ms. Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102-0176. The fax number is (573) 751-3110.

FISCAL NOTE
PUBLIC COST

I. Department Title: Department of Natural Resources
Division Title: Public Drinking Water Program
Chapter Title: Reporting

Rule Number and Name:	10 CSR 60-7.010 Reporting Requirements
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Publicly-owned public water systems that conduct their own chemical monitoring and reporting	Annualized Aggregate Cost = $1,920

III. Worksheet

8 hours per quarter X 4 quarters X $20 per hours X 3 publicly owned systems = $1,920

IV. Assumptions

1. There are three publicly-owned public water systems with a total of five treatment plants who as a matter of routine conduct their own chemical monitoring and reporting. MDNR assumes they will continue to do so.

2. MDNR assumes the new reporting requirements in this rule will require an operator about eight hours per calendar quarter, for a total hour commitment of 32 hours per year.

3. MDNR assumes that the average wage paid to a water system operator by the three systems affected by this rulemaking is $20.00 per hour.

FISCAL NOTE
PRIVATE COST

I. Department Title: **Department of Natural Resources**
Division Title: **Public Drinking Water Program**
Chapter Title: **Reporting**

Rule Number and Name:	10 CSR 60-7.010 Reporting Requirements
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities expressed as an annual cost:
1	Privately-owned public water system that conducts its own chemical monitoring and reporting	$640 annually for the duration of the rule

III. Worksheet

1 privately owned system X 8 hours per quarter X $20 per hour X 4 quarters = $640

IV. Assumptions

1. There is one privately-owned public water systems with a total of five treatment plants that as a matter of routine conduct their own chemical monitoring and reporting. MDNR assumes the system will continue to do so.

2. MDNR assumes the new reporting requirements in this rule will require an operator about eight hours per calendar quarter, for a total hour commitment of 32 hours per year.

3. MDNR assumes that the average wage paid to a water system operator by the three systems affected by this rulemaking is $20.00 per hour.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—*[Public] Safe* Drinking Water *[Program]*
Commission
Chapter 8—Public Notification

PROPOSED AMENDMENT

10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply. The commission is amending sections (7), (8), and (9).

PURPOSE: This amendment adopts new public notice requirements required by the Long-Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) published in 71 FR 653 (January 5, 2006). The requirements are adopted from the federal rules without variance. For clarity, the amendment reorganizes three (3) existing sections dealing with special notices but does not change in any way the requirements in those sections. The only change to the requirements in the rule is the insertion of the federal LT2ESWTR requirements.

(7) *[Special Notice for the Availability of Unregulated Contaminant Monitoring Results.*

(A) Timing of the Special Notice. The owner or operator of a community water system or non-transient non-community water system required to monitor for unregulated contaminants under Environmental Protection Agency's (EPA's) Unregulated Contaminant Monitoring Rule must notify persons served by the system of the availability of the results of such sampling no later than twelve (12) months after the monitoring results are known.

(B) Form and Manner of Special Notice. The form and manner of the public notice shall follow the requirements for a Tier 3 public notice. The notice shall also identify a person and provide the telephone number to contact for information on the monitoring results.] **Reserved.**

(8) *[Special Notice for the Exceedance of the Secondary Maximum Contaminant Level (SMCL) for Fluoride.*

(A) Timing of the Special Notice. Community water systems that exceed the fluoride SMCL of 2 mg/L determined by the last single sample taken in accordance with 10 CSR 60-4.030, but do not exceed the MCL of 4 mg/L for fluoride must provide the public notice in subsection (8)(C) of this rule to persons served. Public notice must be provided as soon as practical but no later than twelve (12) months from the day the water system learns of the exceedance. A copy of the notice must also be provided to all new billing units and customers at the time service begins and to the state public health officer. The public water system must repeat the notice at least annually for as long as the SMCL is exceeded. If the public notice is posted, the notice must remain in place for as long as the SMCL is exceeded, but in no case less than seven (7) days (even if the exceedance is eliminated). On a case-by-case basis, the department may require an initial notice sooner than twelve (12) months and repeat notices more frequently than annually.

(B) Form and Manner of the Special Notice. The form and manner of the public notice (including repeat notices) must follow the requirements for a Tier 3 public notice in subsection (4)(C) and paragraphs (4)(D)1. and (4)(D)3.

(C) Mandatory Language. The notice must contain the following language, including language necessary to fill in the blanks:

"This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/L) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community water system {name} has a fluoride concentration of {insert value} mg/L.

"Dental fluorosis, in its moderate or severe forms, may result in a brown staining and/or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water.

"Drinking water containing more than 4 mg/L of fluoride (the maximum contaminant level for fluoride) can increase your risk of developing bone disease. Your drinking water does not contain more than 4 mg/L of fluoride, but we're required to notify you when we discover that the fluoride levels in your drinking water exceed 2 mg/L because of this cosmetic dental problem.

"For more information, please call {name of community water system} at {phone number}. Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-8-NSF-HELP."] **Reserved.**

(9) Special **Public** Notices**.** *[for Nitrate Exceedances Above the MCL by Non-Community Water Systems.]*

(A) Special Notice for the Availability of Unregulated Contaminant Monitoring Results.

1. Timing of the special notice. The owner or operator of a community water system or non-transient non-community water system required to monitor for unregulated contaminants under Environmental Protection Agency's (EPA's) Unregulated Contaminant Monitoring Rule must notify persons served by the system of the availability of the results of such sampling no later than twelve (12) months after the monitoring results are known.

2. Form and manner of special notice. The form and manner of the public notice shall follow the requirements for a Tier 3 public notice. The notice shall also identify a person and provide the telephone number to contact for information on the monitoring results.

(B) Special Notice for the Exceedance of the Secondary Maximum Contaminant Level (SMCL) for Fluoride.

1. Timing of the special notice. Community water systems that exceed the fluoride SMCL of 2 mg/L determined by the last single sample taken in accordance with 10 CSR 60-4.030, but do not exceed the MCL of 4 mg/L for fluoride, must provide the public notice in paragraph (9)(B)3. of this rule to persons served. Public notice must be provided as soon as practical, but no later than twelve (12) months from the day the water system learns of the exceedance. A copy of the notice must also be provided to all new billing units and customers at the time service begins and to the state public health officer. The public water system must repeat the notice at least annually for as long as the SMCL is exceeded. If the public notice is posted, the notice must remain in place for as long as the SMCL is exceeded, but in no case less than seven (7) days (even if the exceedance is eliminated). On a case-by-case basis, the department may require an initial notice sooner than twelve (12) months and repeat notices more frequently than annually.

2. Form and manner of the special notice. The form and manner of the public notice (including repeat notices) must follow the requirements for a Tier 3 public notice in subsection (4)(C) and paragraphs (4)(D)1. and (4)(D)3. of this rule

3. Mandatory language. The notice must contain the following language, including language necessary to fill in the blanks:

"This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine (9) years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than two (2) milligrams per liter (mg/L) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community water system {name} has a fluoride concentration of {insert value} mg/L.

"Dental fluorosis, in its moderate or severe forms, may result in a brown staining and/or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine (9) should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water.

"Drinking water containing more than four (4) mg/L of fluoride (the maximum contaminant level for fluoride) can increase your risk of developing bone disease. Your drinking water does not contain more than four (4) mg/L of fluoride, but we are required to notify you when we discover that the fluoride levels in your drinking water exceed two (2) mg/L because of this cosmetic dental problem.

"For more information, please call {name of community water system} at {phone number}. Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-8-NSF-HELP."

(C) Special Notice for Nitrate Exceedances Above the MCL by Non-Community Water Systems.

*[(A)]***1.** The owner or operator of a non-community water system granted permission by the department to exceed the nitrate MCL shall provide notice to persons served according to the requirements for a Tier 1 notice.

*[(B)]***2.** The owner or operator shall provide continuous posting of the fact that nitrate levels exceed **ten (**10**)** mg/L and the potential health effects of exposure, according to the requirements for Tier 1 notice delivery under section (2) and the content requirements under section (5) of this rule.

(D) Special notice for repeated failure to conduct monitoring of the source water for *Cryptosporidium* and for failure to determine bin classification or mean *Cryptosporidium* level.

1. The owner or operator of a community or non-community water system that is required to monitor source water under 10 CSR 60-4.052(2) must notify persons served by the water system that monitoring has not been completed as specified no later than thirty (30) days after the system has failed to collect any three (3) months of monitoring as specified in 10 CSR 60-4.052(2)(C). The notice must be repeated as specified in 10 CSR 60-8.010(3).

2. Special notice for failure to determine bin classification or mean *Cryptosporidium* level. The owner or operator of a community or non-community water system that is required to determine a bin classification under 10 CSR 60-4.052(10) must notify persons served by the water system that the determination has not been made as required no later than thirty (30) days after the system has failed to report the determination as specified in 10 CSR 60-4.052(10)(E). The notice must be repeated as specified in 10 CSR 60-8.010(3). The notice is not required if the system is complying with a department-approved schedule to address the violation.

3. Form and manner of the special notice. The form and manner of the public notice must follow the requirements for a Tier 2 public notice prescribed in subsection (3)(C) of this rule. The public notice must be presented as required in section (3) of this rule.

4. Mandatory language that must be contained in the special notice. The notice must contain the following language, including the language necessary to fill in the blanks.

A. The special notice for repeated failure to conduct monitoring must contain the following language:

"We are required to monitor the source of your drinking water for *Cryptosporidium*. Results of the monitoring are to be used to determine whether water treatment at the {treatment plant name} is sufficient to adequately remove *Cryptosporidium* from your drinking water. We are required to complete this monitoring and make this determination by {required bin determination date}. We did not monitor or test or did not complete all monitoring or testing on schedule and, therefore, we may not be able to determine by the required date what treatment modifications, if any, must be made to ensure adequate *Cryptosporidium* removal. Missing this deadline may, in turn, jeopardize our ability to have the required treatment modifications, if any, completed by the deadline required, {date}. For more information, please call {name of water system contact} of {name of water system} at {phone number}."

B. The special notice for failure to determine bin classification or mean *Cryptosporidium* level must contain the following language:

"We are required to monitor the source of your drinking water for *Cryptosporidium* in order to determine by {date} whether water treatment at the {treatment plant name} is sufficient to adequately remove *Cryptosporidium* from your drinking water. We have not made this determination by the required date. Our failure to do this may jeopardize our ability to have the required treatment modifications, if any, completed by the required deadline of {date}. For more information, please call {name of water system contact} of {name of water system} at {phone number}."

C. Each special notice must also include a description of what the system is doing to correct the violation and when the system expects to return to compliance or resolve the situation.

*AUTHORITY: section 640.100, RSMo Supp. [2002] **2007**. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 1, 2008.*

PUBLIC COST: This proposed amendment is anticipated to cost publicly-owned public water systems using surface water or ground water under the influence of surface water approximately twenty-four thousand dollars ($24,000) in the aggregate.

PRIVATE COST: This proposed amendment is anticipated to cost one (1) privately-owned public water system using surface water or ground water under the influence of surface water approximately six thousand dollars ($6,000) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this rulemaking at 10 a.m. on Dec. 9, 2008, at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. The hearing will be preceded by an information meeting beginning at 9:30 a.m. at the same location.

*Anyone may submit comments in support of or opposition to this proposed amendment. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language.*

The commission is also accepting written comments on this rulemaking. Written comments must be postmarked or received by Dec. 31, 2008. Written comments must be mailed or faxed to: Ms. Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102-0176. The fax number is (573) 751-3110.

FISCAL NOTE
PUBLIC COST

I. Department Title: Department of Natural Resources
Division Title: Public Drinking Water Program
Chapter Title: Public Notification

Rule Number and Name:	10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply
Type of Rulemaking:	Proposed Amendment

II. Summary of Fiscal Impact

Affected Agency or Political Subdivision	**Estimated Cost of Compliance in the Aggregate**
4 publicly-owned public water systems using surface water or groundwater under the direct influence of surface water	$24,000

III. Worksheet

4 systems x 3000 service connections x $1 per public notice x 2 monitoring periods = $24,000

IV. Assumptions

1. Eighty-nine public water systems use surface water as their source of supply and will be required to monitor for *Cryptosporidium* and *E. coli* due to the changes to the surface water treatment rules. MDNR assumes based on prior experience with monitoring requirements that a maximum of five systems may violate the monitoring requirements for three months. This violation requires a special Tier 2 public notice under subsection (9)(B) of this rule.

2. Of the 89 systems, 83% are publicly owned (and are political subdivisions) and 17% are privately owned. Therefore, MDNR calculates that four publicly-owned surface water systems will to have to do the special Tier 2 public notice.

3. Tier 2 public notice requires direct delivery of the public notice to each service connection. MDNR assumes each delivered public notice will cost a system an average of $1.00 to deliver, an average of 3000 connections per system, and two rounds of notices required.

FISCAL NOTE
PRIVATE COST

I. Department Title: Department of Natural Resources
Division Title: Public Drinking Water Program
Chapter Title: Public Notification

Rule Number and Name:	10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1	Privately-owned public water system using surface water as its source of supply	$6,000

III. Worksheet

1 privately-owned system x 3000 connections x $1 per public notice x 2 monitoring periods = $6,000.

IV. Assumptions

1. Eighty-nine public water systems use surface water as their source of supply and will be required to monitor for *Cryptosporidium* and *E. coli* due to the changes to the surface water treatment rules. MDNR assumes based on prior experience with monitoring requirements that a maximum of five systems may violate the monitoring requirements for three months. This violation requires a special Tier 2 public notice under subsection (9)(B) of this rule.

2. Of the 89 systems, 83% are publicly owned (and are political subdivisions) and 17% are privately owned. Therefore, MDNR calculates that one privately-owned surface water system will to have to do the special Tier 2 public notice.

3. Tier 2 public notice requires direct delivery of the public notice to each service connection. MDNR assumes each delivered public notice will cost a system an average of $1.00 to deliver, an average of 3000 connections per system, and two rounds of notices required

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—*[Public] Safe* Drinking Water *[Program] Commission*
Chapter 8—Public Notification

PROPOSED AMENDMENT

10 CSR 60-8.030 Consumer Confidence Reports. The commission is amending paragraph (1)(B)2. and parts (2)(D)3.D.II. and III.

PURPOSE: This amendment adopts without variance consumer confidence report requirements included in the Stage 2 Disinfectants/Disinfection By-Product Rule as published in the July 1, 2007 ***Code of Federal Regulations*** *and corrects a cross reference.*

(1) Applicability, Definitions, and General Requirements.

(B) The definitions in 10 CSR 60-2.015 apply to this rule with the following exceptions:

1. For the purpose of this rule, customers are defined as billing units or service connections to which water is delivered by a community water system; and

2. For the purpose of this rule, detected means*[—]* at or above the levels prescribed by 10 CSR 60-5.010*[(6)]***(8)** for organic, inorganic, and radioactive contaminants **and disinfection by-products**.

(2) Content of the Reports.

(D) Information on Detected Contaminants.

1. Subsection (2)(D) specifies the requirements for information to be included in each report for contaminants subject to mandatory monitoring (except *Cryptosporidium*). It applies to—

A. Contaminants subject to an MCL, action level, maximum residual disinfectant level, or treatment technique (regulated contaminants);

B. Contaminants for which monitoring is required by 10 CSR 60-4.110 (unregulated contaminants); and

C. Disinfection by-products or microbial contaminants for which monitoring is required by 40 CFR 141.142 and 141.143, except as provided under paragraph (2)(E)1. of this rule, and which are detected in the finished water.

2. The data relating to these contaminants must be displayed in one (1) table or in several adjacent tables. Any additional monitoring results which a community water system chooses to include in its report must be displayed separately.

3. The data must be derived from data collected to comply with the Environmental Protection Agency and department monitoring and analytical requirements during the previous calendar year except that—

A. Where a system is allowed to monitor for regulated contaminants less often than once a year, the table(s) must include the date and results of the most recent sampling and the report must include a brief statement indicating that the data presented in the report are from the most recent testing done in accordance with the regulations. The system may use the following language or similar language for their statement: "The state has reduced monitoring requirements for certain contaminants to less often than once per year because the concentrations of these contaminants are not expected to vary significantly from year-to-year. Some of our data (e.g., for organic contaminants), though representative, is more than one **(1)** year old." No data older than five (5) years need be included.

B. Results of monitoring in compliance with 40 CFR 141.142 and 141.143 need only be included for five (5) years from the date of last sample or until any of the detected contaminants becomes regulated and subject to routine monitoring requirements, whichever comes first.

4. For detected regulated contaminants (listed in Appendix A**,** *[to this rule]* **included herein**), the table(s) must contain—

A. The MCL for that contaminant expressed as a number equal to or greater than 1.0 (as provided in Appendix A to this rule);

B. The MCLG for that contaminant expressed in the same units as the MCL;

C. If there is no MCL for a detected contaminant, the table must indicate that there is a treatment technique, or specify the action level applicable to that contaminant, and the report must include the definitions for treatment technique and/or action level, as appropriate, specified in paragraph (2)(C)3. of this rule;

D. For contaminants subject to an MCL, except turbidity and total coliforms, the highest contaminant level used to determine compliance with 10 CSR 60-4.030; 10 CSR 60-4.040; 10 CSR 60-4.060; 10 CSR 60-4.090; 10 CSR 60-4.100 and the range of detected levels, as follows (when rounding of results to determine compliance with the MCL is allowed by the regulations, rounding should be done prior to multiplying the results by the factor listed in Appendix A of this rule):

(I) When compliance with the MCL is determined annually or less frequently—The highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL;

(II) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a *[sampling point]* **monitoring location**—the highest average of any of the *[sampling points]* **monitoring locations** and the range of all *[sampling points]* **monitoring locations** expressed in the same units as the MCL**. For the MCLs for total trihalomethanes (TTHM) and haloacetic acids 5 (HAA5) in 10 CSR 60-4.090(1)(D), systems must include the highest locational running annual average for TTHM and HAA5 and the range of individual sample results for all monitoring locations expressed in the same units as the MCL. If more than one (1) location exceeds the TTHM or HAA5 MCL, the system must include the locational running annual averages for all locations that exceed the MCL**; and

(III) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all *[sampling points]* **monitoring locations**—the average and range of detection expressed in the same units as the MCL**. The system is required to include individual sample results for the Initial Distribution System Evaluation (IDSE) conducted under 10 CSR 60-4.092 when determining the range of TTHM and HAA5 results to be reported in the annual consumer confidence report for the calendar year that the IDSE samples were taken**;

E. For turbidity, the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in 10 CSR 60-4.050.

(I) The report should include an explanation of the reasons for measuring turbidity, such as: "Turbidity is a measure of the cloudiness of water. We monitor turbidity because it is a good indicator of the effectiveness of our filtration system."

(II) If an explanation of the reasons for measuring turbidity is included, it does not have to be included in the table but may be added as a footnote or narrative associated with the table;

F. For lead and copper, the ninetieth percentile value of the most recent round of sampling, the number of sampling sites exceeding the action level in that round, and the most recent source water results;

G. For total coliform.

(I) The highest monthly number of positive compliance samples for systems collecting fewer than forty (40) samples per month; or

(II) The highest monthly percentage of positive compliance samples for systems collecting at least forty (40) samples per month;

H. For fecal coliform or *E. coli*, the total number of positive compliance samples; and

I. The likely source(s) of detected regulated contaminants to the best of the operator's knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and should be used when available to the operator. If the operator lacks specific information on the likely source, the

report must include one (1) or more of the typical sources for that contaminant which are most applicable to the system. The typical sources for a given contaminant are listed in Appendix B**,** *[to this rule]* **included herein**.

5. If a community water system distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, the table should contain a separate column for each service area and the report should identify each separate distribution system. Alternatively, systems could produce separate reports tailored to include data for each service area.

6. The table(s) must clearly identify any data indicating violations of MCLs or treatment techniques and the report must contain a clear and readily understandable explanation of the violation including: the length of the violation, the potential adverse health effects, and actions taken by the system to address the violation. To describe the potential health effects, the system must use the relevant language of Appendix C**,** *[to this rule]* **included herein**.

7. For detected unregulated contaminants for which monitoring is required (except *Cryptosporidium*), the table(s) must contain the average and range at which the contaminant was detected. When detects of unregulated contaminants are reported, the report may include a brief explanation of the reasons for monitoring for unregulated contaminants using language such as: "Unregulated contaminants are those for which EPA has not established drinking water standards. The purpose of unregulated contaminant monitoring is to assist EPA in determining the occurrence of unregulated contaminants in drinking water and whether future regulation is warranted. Information on all the contaminants that were monitored for, whether regulated or unregulated, can be obtained from this water system or the Department of Natural Resources."

*AUTHORITY: section[s] 640.100, RSMo Supp. [2002] **2007** and **section** 640.125.1, RSMo 2000. Original rule filed July 1, 1999, effective March 30, 2000. Amended: Filed [Filed] March 17, 2003, effective Nov. 30, 2003. Amended: Filed Oct. 1, 2008.*

PUBLIC COST: This proposed amendment is anticipated to cost the Missouri Department of Natural Resources one thousand nine hundred fifty-five dollars ($1,955) in the aggregate and twelve (12) publicly-owned community public water systems approximately one thousand eighty dollars ($1,080) in annual costs for the duration of the rule.

PRIVATE COST: This proposed amendment is anticipated to cost eight (8) privately-owned public water systems approximately seven hundred twenty dollars ($720) in annual costs for the duration of the rule.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this rulemaking at 10 a.m. on Dec. 9, 2008, at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. The hearing will be preceded by an information meeting beginning at 9:30 a.m. at the same location.

*Anyone may submit comments in support of or opposition to this proposed amendment. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language.*

The commission is also accepting written comments on this rulemaking. Written comments must be postmarked or received by Dec. 31, 2008. Written comments must be mailed or faxed to: Ms. Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102-0176. The fax number is (573) 751-3110.

FISCAL NOTE
PUBLIC COST

I. Department Title: Department of Natural Resources
Division Title: Public Drinking Water Program
Chapter Title: Public Notification

Rule Number and Name:	10 CSR 60-8.030 Consumer Confidence Reports
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Natural Resources	$1,955 (one-time cost)
Publicly-owned community water systems	$1,080 (annual costs for the duration of the rule)

III. Worksheet

MDNR contract costs: (20 hours x $74 per hour) + (5 hours x $95 per hour) = $1,955

Community water system costs: 12 publicly-owned systems x 6 hours x $15 per hour = $1,080

IV. Assumptions

1. To upgrade the MDNR Consumer Confidence Report builder, the assumption is made that it will require 20 hours of computer programming work from the contractor at $74 per hour. Also, the assumption is made that it will require 5 hours of work by the contractor's SDWIS expert at $95 per hour.

2. MDNR assumes that 12 publicly-owned community water systems will spend 6 extra hours per year adding the IDSE and RAA data to their existing annual Consumer Confidence Reports.

FISCAL NOTE
PRIVATE COST

I. Department Title: Department of Natural Resources
Division Title: Public Drinking Water Program
Chapter Title: Public Notification

Rule Number and Name:	10 CSR 60-8.030 Consumer Confidence Reports
Type of Rulemaking:	Proposed Amendment

II. Summary of Fiscal Impact

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate:
8	Privately-owned community public water systems	$720 in annual costs for the duration of the rule

III. Worksheet

$15 per hour x 6 hours annually x 8 systems = $720

IV. Assumptions

The assumption is 8 privately-owned community water systems will spend 6 extra hours adding the IDSE and RAA data to their existing annual CCRs at a cost of approximately $15 per hour. The hourly cost is based on an average wage for water system operators.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 9—Record Maintenance

PROPOSED AMENDMENT

10 CSR 60-9.010 Requirements for Maintaining Public Water System Records. The commission is amending subsection (1)(A) and adding subsection (1)(G) and section (3).

PURPOSE: This amendment adopts without variance new federal wording included in the Stage 2 Disinfectants/Disinfection By-Product Rule and Long-Term 2 Enhanced Surface Water Treatment Rule as published in the July 1, 2007 ***Code of Federal Regulations****.*

(1) All suppliers of water to a public water system must retain records on their premises or at a convenient location near their premises as follows:

(A) Records of *[bacteriological]* **microbiological analyses, turbidity analyses,** and operational analyses must be retained for a minimum of five (5) years. Records of chemical analyses must be retained for a minimum of ten (10) years. Actual laboratory reports used in the previous analyses must be retained for the appropriate period given previously. In lieu of an original report or copy, laboratory data may be transferred to tabular summaries provided the following information is included: the date, address, place**,** and time of sampling; identification of the sample (that is, a routine distribution system sample, check sample, raw or other special purpose water sample); date of analysis; laboratory and person responsible for performing analysis; analytical method used and the results of the analysis;

(E) Original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, state determinations**,** and any other information required by 10 CSR 60-5.010, 10 CSR 60-5.020, 10 CSR 60-7.020, and 10 CSR 60-15.010–10 CSR 60-15.090 must be retained for no fewer than twelve (12) years; *[and]*

(F) Copies of public notices issued pursuant to 10 CSR 60-8.010 and certifications issued to the department pursuant to 10 CSR 60-7.010(9) shall be kept for at least three (3) years after issuance*[.]***; and**

(G) Copies of monitoring plans shall be kept for the same period of time as the records of analyses taken under the plan are required to be kept under subsection (1)(A) of this rule, except as specified elsewhere in 10 CSR 60.

(3) Additional Record Keeping Requirements under the Long-Term 2 Enhanced Surface Water Treatment Rule.

(A) Systems must keep results from the initial round of source water monitoring under 10 CSR 60-4.052(2)(A) and the second round of source water monitoring under 10 CSR 60-4.052(2)(B) until three (3) years after bin classification under 10 CSR 60-4.052(10).

(B) Systems must keep any notification to the department that they will not conduct source water monitoring due to meeting the criteria of 10 CSR 60-4.052(2)(D) for three (3) years.

(C) Systems must keep the results of treatment monitoring associated with microbial toolbox options under 10 CSR 60-4.052(14)-(18) for three (3) years.

AUTHORITY: section 640.100, RSMo Supp. [2002] ***2007****. Original rule filed May 4, 1979, effective Sept. 14, 1979. Amended: Filed Aug. 4, 1992, effective May 6, 1993. Amended: Filed March 17, 2003, effective Nov. 30, 2003. Amended: Filed Oct. 1, 2008.*

PUBLIC COST: This proposed amendment is anticipated to cost state agencies and political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment is anticipated to cost private entities less than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this rulemaking at 10 a.m. on Dec. 9, 2008, at the DNR Conference Center, 1738 East Elm Street, Jefferson City, Missouri. The hearing will be preceded by an information meeting beginning at 9:30 a.m. at the same location.

Anyone may submit comments in support of or opposition to this proposed amendment. In preparing your comments, please include the regulatory citation and the ***Missouri Register*** *page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language.*

The commission is also accepting written comments on this rulemaking. Written comments must be postmarked or received by Dec. 31, 2008. Written comments must be mailed or faxed to: Ms. Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102-0176. The fax number is (573) 751-3110.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 7—Special Motor Fuel Use Tax

PROPOSED RESCISSION

12 CSR 10-7.170 Sales Tax Applies When Fuel Tax Does Not. This rule clarified the auxiliary equipment exemption in section 142.581, RSMo.

PURPOSE: This rule is being rescinded, because it referenced a statute that was repealed (section 142.581, RSMo) and current sales tax statute, section 144.030.2 (1), RSMo, contains the same language.

AUTHORITY: sections 144.020 and 144.270, RSMo 1986. Original rule filed Nov. 1, 1985, effective Feb. 13, 1986. Rescinded: Filed Sept. 19, 2008.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 7—Special Motor Fuel Use Tax

PROPOSED RESCISSION

12 CSR 10-7.250 Special Fuel Tax Refund Claims—Purchasers Claiming Refunds of Tax Paid on Fuel Used for Nonhighway Purposes. This rule clarified information required when filing a special fuel nonhighway refund claim pursuant to section 142.584, RSMo.

PURPOSE: This rule is being rescinded, because the rule referenced a statute that was repealed (section 142.584, RSMo) and information contained in the rule is either no longer valid or is inaccurate. Current statute clearly defines the procedures for a refund.

AUTHORITY: sections 142.584, RSMo Supp. 1989 and 142.621, RSMo 1986. Original rule filed March 22, 1989, effective Sept. 11, 1989. Rescinded: Filed Sept. 19, 2008.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 7—Special Motor Fuel Use Tax

PROPOSED RESCISSION

12 CSR 10-7.260 LP Gas or Natural Gas Decals. This rule clarified the type(s) of vehicles required to obtain a liquidified petroleum or natural gas decal, pursuant to section 142.366, RSMo.

PURPOSE: This rule is being rescinded, because the rule referenced a statute (section 142.366, RSMo) that was repealed and information contained in the rule is no longer valid or current statutes clearly state the same information.

AUTHORITY: sections 142.366, RSMo Supp. 1989 and 142.621, RSMo 1986. Original rule filed March 22, 1989, effective Sept. 11, 1989. Rescinded: Filed Sept. 19, 2008.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 43—Investment of Nonstate Funds

PROPOSED AMENDMENT

12 CSR 10-43.030 Collateral Requirements for Nonstate Funds. The director proposes to add new paragraphs (3)(A)1.X. and (3)(A)1.Y.

PURPOSE: This amendment updates the collateral requirements to secure nonstate funds.

(3) Any depository investing nonstate funds as an investment agent of the director of revenue must adhere to the following rules governing collateral:

(A) Before the investment agent places deposits with depository institutions, the investment agent must require that the institutions pledge collateral security. The following general procedures will be used:

1. Only securities listed as follows are acceptable to secure nonstate funds:

A. Marketable Treasury securities of the United States;

B. General obligation debt securities issued by Missouri with at least an A rating from one of the *[n]***N**ationally Recognized Statistical Ratings Organizations (NRSROs) or are secured by a federal agency guarantee (directly or through guaranteed loans);

C. General obligation bonds of any city in this state having a population of not less than two thousand (2,000) with at least an A rating from one of the NRSROs;

D. General obligation bonds of any county in this state with at least an A rating from one of the NRSROs;

E. General obligation bonds issued by any school district situated in this state with at least an A rating from one of the NRSROs;

F. General obligation bonds issued by any special road district situated in this state with at least an A rating from one of the NRSROs;

G. General obligation state bonds of any of the fifty (50) states with at least an A rating from one of the NRSROs;

H. Debt securities of the Federal Farm Credit System;

I. Debt securities of the Federal Home Loan Banks (FHLBs), excluding zero-coupon bonds (ZEROS);

J. Debt securities of the Federal National Mortgage Association (FNMA), including mortgage-backed securities, but excluding real estate mortgage investment conduits (REMICs) and other mortgage derivatives, separate trading of registered interest and principal securities (STRIPS), Z bonds and ZEROS (All mortgage-backed securities shall be valued at ninety percent (90%) of market value. Collateralized Mortgage Obligations (CMO**s**) shall be Planned Amortization Class (PAC) CMOs, valued at seventy-five percent (75%) of market value, have a weighted average life not to exceed three (3) years**,** and pass the Federal Financial Institutions Examination Council (FFIEC) High Risk Test);

K. Debt securities of the Student Loan Marketing Association (SLMA), excluding STRIPS and ZEROS;

L. Debt securities of the Government National Mortgage Association (GNMA), including mortgage-backed securities, but excluding REMICs, and other mortgage derivatives, STRIPS, Z bonds**,** and ZEROS. Nonbook-entry registered securities must be in nominee name (All mortgage-backed securities shall be valued at ninety percent (90%) of market value. CMOs shall be PAC CMOs valued at seventy-five percent (75%) of market value, have a weighted average life not to exceed three (3) years**,** and pass the FFIEC High Risk Test);

M. Federal Home Administration insured notes (CBOs);

N. Bonds of any political subdivision established under the provisions of Section 30, Article VI of the *Constitution of Missouri* with at least an A rating from one of the NRSROs (City and County of St. Louis);

O. Tax anticipation notes issued by any county of class one in Missouri with at least an A rating from one of the NRSROs;

P. Public housing notes and bonds (projects notes and bonds) issued by public housing agencies, guaranteed as to the payment of principal and interest by the government of the United States or any

agency or instrumentality of the United States;

Q. Revenue bonds issued by the Missouri Board of Public Buildings or Department of Natural Resources with at least an A rating from one of the NRSROs or are secured by a federal agency guarantee (directly or through guaranteed loans);

R. Revenue bonds of the Missouri Housing Development Commission, Missouri Health and Education Facilities Authority, Missouri Higher Educational Loan Authority, Missouri Environmental Improvement and Energy Resource Authorities, Missouri Agricultural and Small Business Development Authority, Missouri Industrial Development Board**,** or state-owned education institutions so long as any of the mentioned are rated A or better by a NRSRO*[,]* or are secured by a federal agency guarantee (directly or through guaranteed loans);

S. Debt securities of the Federal Home Loan Mortgage Corporation (FHLMC), including mortgage-backed securities, but excluding mortgage cash flow obligations, REMICs, and other mortgage derivations, STRIPS, Z bonds**,** and ZEROS (All mortgage-backed securities shall be valued at ninety percent (90%) of market value. CMOs shall be PAC CMOs valued at seventy-five percent (75%) of market value, have a weighted average life not to exceed three (3) years**,** and pass the FFIEC High Risk Test);

T. Guaranteed loan pool certificates of the Small Business Administration (SBA). Nonbook-entry registered securities must be in nominee's name (SBA pool certificates shall be valued at seventy-five percent (75%) of market value);

U. Debt securities of the Resolution Funding Corporation (REFCORP), excluding STRIPS and ZEROS; *[and]*

V. Revenue bonds are accepted only under items listed in subparagraphs (3)(A)1.B., Q.**,** and R.;

W. Debt securities of the Federal Agriculture Mortgage Corporation (FAMC), including mortgage-backed securities, but excluding mortgage cash flow obligations, REMICs, and other mortgage derivatives, STRIPS, Z bonds**,** and ZEROS (All mortgage-backed securities shall be valued at ninety percent (90%) of market value. CMOs shall be PAC CMOs valued at seventy-five percent (75%) of market value, have a weighted average life not to exceed three (3) years**,** and pass the FFIEC High Risk Test);

X. A surety bond issued by an insurance company licensed pursuant to the laws of the state of Missouri whose claims-paying ability is rated in the highest category by at least one (1) Nationally Recognized Statistical Rating Organization. The face amount of such surety bond shall be at least equal to the portion of the deposit to be secured by the surety bond; and

Y. An irrevocable standby letter of credit issued by a Federal Home Loan Bank possessing the highest rating issued by at least one (1) Nationally Recognized Statistical Rating Organization.

2. The entire value of the nonstate funds on deposit with the depository, including accrued interest, must be covered by the market value of securities pledged less applicable FDIC or other like insurance;

3. The investment agent may not disburse funds for investment until it is assured that adequate and proper collateral has been pledged. Telephone confirmation of securities pledged from a third-party custodian is acceptable pending receipt of the actual safekeeping document;

4. Securities may not be released until deposits, including accrued interest, are received from the depository institution;

5. The investment agent may allow substitution of acceptable collateral securities with equal or greater market value if the substitution occurs on a simultaneous basis. That is, the new collateral must be received before or at the same time the old collateral is released;

6. Excess collateral may be released if it is reasonable as determined by the investment agent. The investment agent will determine the market value of all collateral every two (2) weeks and compare that to the amount of deposits at each deposit institution. When the value of collateral falls below the amount of deposits, the investment agent must immediately demand additional collateral. If the depository institution fails to post the additional collateral within two (2) days of the day requested, the investment agent will request withdrawal of all deposits at that institution; and

7. The director of revenue, upon the recommendation of the Department of Revenue Investment Group, may require an institution pledging collateral to use a different third-party custodian which will be acceptable to the director;

AUTHORITY: section 136.120, RSMo 2000. Original rule filed May 2, 1986, effective Aug. 11, 1986. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed Sept. 19, 2008.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 103—Sales/Use Tax—Imposition of Tax

PROPOSED RESCISSION

12 CSR 10-103.380 Photographers, Photofinishers and Photoengravers, as Defined in Section 144.030, RSMo. This rule imposed a tax on the retail sale of tangible personal property. Section 144.020.1(1), RSMo, imposed a tax on the retail sale of tangible personal property. Section 144.030.2(2), RSMo, exempts materials that become a component part or ingredient of new personal property, which is intended to be sold ultimately at retail. Sections 144.030.2(4) and (5), RSMo, exempt certain machinery, equipment, parts, materials, supplies, and parts that are for replacement or are for a new or expanded plant. This rule explained the taxation rules for photographers, photofinishers, and photoengravers and what elements must be met to qualify for these exemptions.

PURPOSE: This rule is being rescinded, because it references a statute that was repealed and a new section enacted in lieu thereof.

AUTHORITY: section 144.270, RSMo 2000. Original rule filed June 29, 2000, effective Dec. 30, 2000. Emergency amendment filed Aug. 14, 2007, effective Aug. 28, 2007, expired Feb. 23, 2008. Amended: Filed Aug. 14, 2007, effective Feb. 29, 2008. Rescinded: Filed Sept. 19, 2008.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division,

Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 2—Income Maintenance

PROPOSED RULE

13 CSR 40-2.390 Transitional Employment Benefit

PURPOSE: This rule establishes the Transitional Employment Benefit. This rule also establishes the circumstances when a family is eligible for the Transitional Employment Benefit payment and the length of time a family qualifies for the Transitional Employment Benefit payment.

(1) The Family Support Division shall make payable a fifty-dollar ($50) Transitional Employment Benefit payment to families with earned income who are no longer eligible for Temporary Assistance benefits as defined in 13 CSR 40-2.300 through 13 CSR 40-2.370 due to an increase in income, removal of an earnings disregard or an allowable expense deduction, or a household composition change which causes ineligibility due to income guidelines for Temporary Assistance provided—

(A) The family received Temporary Assistance cash benefits for at least one (1) month;

(B) There is a work-eligible individual, as defined in 45 CFR 261.10, included in the family;

(C) Work-eligible individuals in the family continue to meet the minimum work participation hours as outlined in 42 USC 607.

1. Transitional Employment Benefit work participation hours must be met through employment only.

2. Work participation hours must be reported and verified within ten (10) days of the Temporary Assistance case closing or change in employment;

(D) The family continues to meet all other eligibility requirements contained in 13 CSR 40-2.300 through 13 CSR 40-2.370 with the exception of income; and

(E) The family was eligible for and received Temporary Assistance in October 2008 or later.

(2) The family is eligible to receive the fifty-dollar ($50) Transitional Employment Benefit payment for up to six (6) consecutive months as long as the family meets the requirements in subsections (1)(B) and (1)(C).

(3) There is no limit on the number of times a family may receive Transitional Employment Benefit payments as long as the family loses eligibility for Temporary Assistance as outlined in section (1).

(A) The Transitional Employment Benefit is not included in the sixty (60)-month lifetime limit for Temporary Assistance as referenced in 42 USC 608.

(4) Families who receive Transitional Employment Benefits shall not assign to the Family Support Division on behalf of the state any rights to support from any other person on behalf of any member of the family.

AUTHORITY: section 207.020, RSMo 2000 and section 208.040.5, RSMo Supp. 2007. Emergency rule filed Sept. 23, 2008, effective Oct. 3, 2008, expires March 31, 2009. Original rule filed Sept. 23, 2008.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions $1,650,000 in the aggregate in state fiscal year 2009. It will cost state agencies or political subdivisions $3,600,000 in the aggregate in state fiscal year 2010.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, Family Support Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC COST

I. Department Title: Department of Social Services
Division Title: Family Support Division
Chapter Title: Chapter 13—Department of Social Services

Rule Number and Name:	**13 CSR 40-2.390 Transitional Employment Benefit**
Type of Rulemaking:	**Proposed Rule**

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services, Family Support Division	SFY2009: $1.65 million
Department of Social Services, Family Support Division	SFY2010: $3.6 million

III. WORKSHEET

For SFY2009 the estimated cost will be $1.65 million. FSD arrived at this cost in the following manner: 1,000 cases closed in October, 2008, payment received in November, 2008: 1,000 x $50 = $50,000; 2,000 cases closed in November, 2008, payment received in December, 2008: 2,000 x $50 = $100,000; 3,000 cases closed in December, 2008, payment received in January, 2009: 3,000 x $50 = $150,000; 4,000 cases closed in January, 2009, payment received in February, 2009: 4,000 x $50 = $200,000; 5,000 cases closed in February, 2009, payment received in March, 2009: 5,000 x $50 = $250,000; 6,000 cases closed in each month for the months of March, 2009 through May, 2009, with payment received in the month following closure : 6,000 x $50 = $300,000 x 3 months = $900,000.

For SFY2010, FSD estimates the cost to be $3.6 million, cost arrived in the following manner: 6,000 cases x $50 x 12 months = $3.6 million.

No additional staff will be needed as a result of this proposed rule.

IV. ASSUMPTIONS

FSD anticipates 1,000 Temporary Assistance (TA) cases will close each month due to earnings that exceed the TA income maximum. These TA cases that close will receive $50 per month for 6 consecutive months as a transitional employment benefit.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of *[Environmental Health and Communicable Disease Prevention]* *Community and Public Health*
Chapter 28—Immunization

PROPOSED AMENDMENT

19 CSR 20-28.010 Immunization Requirements for School Children. The department is amending sections (2) and (3). The department is adding section (4).

PURPOSE: This amendment eliminates contradictory language and clarifies the "manner and frequency" of administration of immunizations.

(2) For school attendance, children shall be immunized against *[diphtheria, tetanus, pertussis, polio, measles, rubella, mumps, hepatitis B, and varicella, according to the latest Advisory Committee on Immunization Practices (ACIP) Recommended Childhood Immunization Schedule—United States and the latest ACIP General Recommendations on Immunization. As the immunization schedule and recommendations are updated, they will be available from and distributed by the Department of Health and Senior Services.]* **vaccine-preventable diseases as established by the Department of Health and Senior Services and provide required documentation of immunization status. Age-appropriate vaccine requirements will be according to the attachments listed in section (4), which are included herein.**

[(A) Pertussis vaccine is not required for children seven (7) years of age and older.]

[(B) Hepatitis B vaccine shall be required for all children starting kindergarten or who were five (5) or six (6) years of age as of and after the beginning of the 1992–93 school year.]

*[(C)]***(A) One (1) dose of** *[V]*varicella vaccine shall be required for all children starting kindergarten or who were five (5) or six (6) years of age as of and after the beginning of the 2005–06 school year **through the end of the 2009–2010 school year**.

(B) Two (2) doses of varicella vaccine shall be required for all children starting kindergarten or who were five (5) or six (6) years of age as of and after the beginning of the 2010–2011 school year.

(3) The parent or guardian shall furnish the superintendent or *[school administrator]* **designee** satisfactory evidence of immunization or exemption from immunization *[against diphtheria, tetanus, pertussis, polio, measles, mumps, rubella, hepatitis B, and varicella]*. **Satisfactory evidence shall be provided within thirty (30) days of the child's first date of school attendance.**

(A) Satisfactory evidence of immunization means a statement, certificate**,** or record from a physician or other recognized health facility or personnel stating that the required immunizations have been given to the person and verifying the type of vaccine. All children shall be required to provide documentation of the month, day**,** and year of vaccine administration. However, if a child has had varicella (chickenpox) disease, *[the parent, the guardian,]* a licensed doctor of medicine or doctor of osteopathy may sign and place on file with the superintendent or *[school administrator]* **designee** a written statement documenting previous varicella (chickenpox) disease. The statement may contain wording such as: "This is to verify that (name of child) had varicella (chickenpox) disease on or about (date) and does not need varicella vaccine."

(4) Immunization schedule requirements for school age children shall be:

(A) Missouri School Immunization Requirements Vaccines Received 0–6 Years of Age, included herein;

(B) Missouri School Immunization Requirements Vaccines Received 7–18 Years of Age, included herein; and

(C) Catch-up Immunization Schedule for Persons Aged 4 Months–18 Years Who Start Late or Who Are More Than 1 Month Behind, included herein.

Missouri School Immunization Requirements
Vaccines Received 0 – 6 Years of Age

Vaccine ▾ / Age ▸	Birth	1 month	2 months	4 months	6 months	12 months	15 months	18 months	19-23 months	2-3 years	4-6 years
Hepatitis B[1]	Hep B	Hep B		See footnote 1		Hep B					
Diphtheria, Tetanus, Pertussis[2]			DTaP	DTaP	DTaP	See footnote 2	DTaP				DTaP
Inactivated Poliovirus			IPV	IPV		IPV					IPV
Measles, Mumps, Rubella[3]						MMR					MMR
Varicella[4]						Varicella					Varicella

Range of recommended ages

1. **Hepatitis B vaccine (HepB).** *(Minimum age: birth)*
   At birth:
   - Administer monovalent HepB to all newborns prior to hospital discharge.
   - If mother is hepatitis B surface antigen (HBsAg)-positive, administer HepB and 0.5 mL of hepatitis B immune globulin (HBIG) within 12 hours of birth.
   - If mother's HBsAg status is unknown, administer HepB within 12 hours of birth. Determine the HBsAg status as soon as possible and if HBsAg-positive, administer HBIG (no later than age 1 week).
   - If mother is HBsAg-negative, the birth dose can be delayed, **in rare cases,** with a provider's order and a **copy of the mother's** negative HbsAg laboratory report in the infant's medical record.

   After the birth dose:
   - The HepB series should be completed with either monovalent HepB or a combination vaccine containing HepB. The second dose should be administered at age 1–2 months. The final dose should be administered 16 weeks after the first dose but no earlier than 24 weeks of age. Infants born to HBsAg-positive mothers should be tested for HbsAg and antibody to HBsAg after completion of at least 3 doses of a licensed HepB series, at age 9–18 months (generally at the next well-child visit).

   4-month dose:
   - It is permissible to administer 4 doses of HepB when combination vaccines are administered after the birth dose. If monovalent HepB is used for doses after the birth dose, a dose at age 4 months is not needed.
2. **Diphtheria and tetanus toxoids and acellular pertussis vaccine (DTaP).** *(Minimum age: 6 weeks)*
   - The fourth dose of DTaP may be administered as early as age 12 months, provided 6 months have elapsed since the third dose.
   - Administer the final dose in the series at age 4–6 years.
3. **Measles, mumps, and rubella vaccine (MMR).** *(Minimum age: 12 months)*
   - Administer the second dose of MMR at age 4–6 years. MMR may be administered before age 4–6 years, provided 4 weeks or more have elapsed since the first dose.
4. **Varicella vaccine.** *(Minimum age: 12 months)*
   - Administer second dose at age 4–6 years; may be administered 3 months or more after first dose.
   - Don't repeat second dose if administered 28 days or more after first dose.

- For those children who fall behind or start late, see the catch–up schedule for the doses required and minimum intervals between doses.
- ACIP recommends that vaccine doses administered ≤4 days before the minimum interval or age be counted as valid, therefore the Missouri Department of Health and Senior Services will allow for the 4 day grace period.
- Licensed combination vaccines may be used whenever any components of the combination are indicated and other components of the vaccine are not contraindicated and if approved by the Food and Drug Administration for that dose of the series.
- One (1) dose of varicella vaccine shall be required for all children starting kindergarten or who were five (5) or six (6) years of age as of and after the beginning of the 2005-06 school year through the end of the 2009-10 school year.
- Two (2) doses of varicella vaccine shall be required for all children starting kindergarten or who were five (5) or six (6) years of age as of and after the beginning of the 2010-11 school year.

Missouri's School Immunization Requirements are compatible with the current recommendations of the Advisory Committee on Immunization Practices (ACIP) of the Centers for Disease Control and Prevention (CDC), the American Academy of Pediatrics, and the American Academy of Family Physicians. This schedule indicates the recommended ages for routine administration of currently licensed childhood vaccines, as of December 1, 2007, for children aged 0 through 6 years. Additional information is available at www.cdc.gov/vaccines/recs/schedules. Schools should consult the respective ACIP statement for detailed recommendations, including for high risk conditions: http://www.cdc.gov/vaccines/pubs/ACIP-list.htm. For additional information please visit the Missouri Immunization Program's website at www.dhss.mo.gov/Immunizations or call toll free 800-219-3224.

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Missouri School Immunization Requirements
Vaccines Received 7 – 18 Years of Age

Vaccine ▼ Age ▶	7-10 Years	11-12 YEARS	13-18 YEARS
Diphtheria, Tetanus, Pertussis[1]	See footnote 1	Tdap	Tdap
Hepatitis B[2]	Hep B Series		
Inactivated Poliovirus[3]	IPV Series		
Measles, Mumps, Rubella[4]	MMR Series		
Varicella[5]	Varicella Series		

Range of recommended ages

Catch-up immunization

1. Tetanus and diphtheria toxoids and acellular pertussis vaccine (Tdap). *(Minimum age: 10 years for BOOSTRIX® and 11 years for ADACEL™)*
- Administer at age 11–12 years for those who have completed the recommended childhood DTP/DTaP vaccination series and have not received a tetanus and diphtheria toxoids (Td) booster dose.
- 13–18 year olds who missed the 11–12 year Tdap or received Td only, are encouraged to receive one dose of Tdap 5 years after the last Td/DTaP dose.

2. Hepatitis B vaccine (HepB).
- Administer the 3-dose series to those who were not previously vaccinated.
- A 2-dose series of Recombivax HB® is licensed for children aged 11–15 years.

3. Inactivated poliovirus vaccine (IPV).
- For children who received an all-IPV or all-oral poliovirus (OPV) series, a fourth dose is not necessary if the third dose was administered at age 4 years or older.
- If both OPV and IPV were administered as part of a series, a total of 4 doses should be administered, regardless of the child's current age.

4. Measles, mumps, and rubella vaccine (MMR).
- If not previously vaccinated, administer 2 doses of MMR during any visit, with 4 or more weeks between the doses.

5.Varicella vaccine.
- Administer 2 doses of varicella vaccine to persons younger than 13 years of age at least 3 months apart. Do not repeat the second dose, if administered 28 or more days following the first dose.
- Administer 2 doses of varicella vaccine to persons aged 13 years or older at least 4 weeks apart.

- For those children who fall behind or start late, see the catch–up schedule for the doses required and minimum intervals between doses.
- ACIP recommends that vaccine doses administered ≤4 days before the minimum interval or age be counted as valid, therefore the Missouri Department of Health and Senior Services will allow for the 4 day grace period.
- Licensed combination vaccines may be used whenever any components of the combination are indicated and other components of the vaccine are not contraindicated and if approved by the Food and Drug Administration for that dose of the series.
- One (1) dose of varicella vaccine shall be required for all children starting kindergarten or who were five (5) or six (6) years of age as of and after the beginning of the 2005-06 school year through the end of the 2009-10 school year.
- Two (2) doses of varicella vaccine shall be required for all children starting kindergarten or who were five (5) or six (6) years of age as of and after the beginning of the 2010-11 school year.

Missouri's School Immunization Requirements are compatible with the current recommendations of the Advisory Committee on Immunization Practices (ACIP) of the Centers for Disease Control and Prevention (CDC), the American Academy of Pediatrics, and the American Academy of Family Physicians. This schedule indicates the recommended ages for routine administration of currently licensed childhood vaccines, as of December 1, 2007, for children aged 7 through 18 years. Additional information is available at www.cdc.gov/vaccines/recs/schedules. Schools should consult the respective ACIP statement for detailed recommendations, including for high risk conditions: http://www.cdc.gov/vaccines/pubs/ACIP-list.htm. For additional information please visit the Missouri Immunization Program's website at www.dhss.mo.gov/Immunizations or call toll free 800-219-3224.

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Catch-up Immunization Schedule for Persons Aged 4 Months – 18 Years Who Start Late or Who Are More Than 1 Month Behind

CATCH-UP SCHEDULE FOR PERSONS AGED 4 MONTHS – 18 YEARS					
Vaccine	**Minimum Age for Dose 1**	**Minimum Interval Between Doses**			
		Dose 1 to Dose 2	**Dose 2 to Dose 3**	**Dose 3 to Dose 4**	**Dose 4 to Dose 5**
Hepatitis B[1]	Birth	4 weeks	8 weeks (and 16 weeks after first dose but not less than 24 wks of age)		
Diphtheria, Tetanus, Pertussis[2]	6 wks	4 weeks	4 weeks	6 months	6 months[2]
Inactivated Poliovirus[3]	6 wks	4 weeks	4 weeks	4 weeks[3]	
Measles, Mumps, Rubella[4]	12 mos	4 weeks			
Varicella[5]	12 mos	4 weeks if first dose administered at age 13 years or older; 3 months if first dose administered at younger than 13 years of age			
Tetanus, Diphtheria/ Tetanus, Diphtheria, Pertussis[6]	7 yrs[6]	4 weeks	8 weeks if first dose administered at younger than 12 months of age; 6 months if first dose administered at age 12 months or older	6 months if first dose administered at younger than 12 months of age	

1. Hepatitis B vaccine (HepB).
- Administer the 3-dose series to those who were not previously vaccinated.
- A 2-dose series of Recombivax HB® is licensed for children aged 11–15 years.

2. Diphtheria and tetanus toxoids and acellular pertussis vaccine (DTaP).
- The fifth dose is not necessary if the fourth dose was administered at age 4 years or older.
- DTaP is not indicated for persons aged 7 years or older.

3. Inactivated poliovirus vaccine (IPV).
- For children who received an all-IPV or all-oral poliovirus (OPV) series, a fourth dose is not necessary if third dose was administered at age 4 years or older.
- If both OPV and IPV were administered as part of a series, a total of 4 doses should be administered, regardless of the child's current age.
- IPV is not routinely recommended for persons aged 18 years and older.

4. Measles, mumps, and rubella vaccine (MMR).
- The second dose of MMR is recommended routinely at age 4–6 years but may be administered earlier if desired.
- If not previously vaccinated, administer 2 doses of MMR during any visit with 4 or more weeks between the doses.

5. Varicella vaccine.
- The second dose of varicella vaccine is recommended routinely at age 4–6 years but may be administered earlier if desired.
- Do not repeat the second dose in persons younger than 13 years of age if administered 28 or more days after the first dose.

6. Tetanus and diphtheria toxoids vaccine (Td) and tetanus and diphtheria toxoids and acellular pertussis vaccine (Tdap).
- Tdap should be substituted for a single dose of Td in the primary catch-up series for children 10-18 or as a booster if age appropriate; use Td for other doses.
- A 5-year interval from the last Td dose is encouraged when Tdap is used as a booster dose. A booster (fourth) dose is needed if any of the previous doses were administered at younger than 12 months of age. Refer to ACIP recommendations for further information. See *MMWR* 2006;55(No. RR-3).

- ACIP recommends that vaccine doses administered ≤4 days before the minimum interval or age be counted as valid, therefore the Missouri Department of Health and Senior Services will allow for the 4 day grace period.
- Licensed combination vaccines may be used whenever any components of the combination are indicated and other components of the vaccine are not contraindicated and if approved by the Food and Drug Administration for that dose of the series.
- One (1) dose of varicella vaccine shall be required for all children starting kindergarten or who were five (5) or six (6) years of age as of and after the beginning of the 2005-06 school year through the end of the 2009-10 school year.
- Two (2) doses of varicella vaccine shall be required for all children starting kindergarten or who were five (5) or six (6) years of age as of and after the beginning of the 2010-11 school year.

Missouri's School Immunization Requirements are compatible with the current recommendations of the Advisory Committee on Immunization Practices (ACIP) of the Centers for Disease Control and Prevention (CDC), the American Academy of Pediatrics, and the American Academy of Family Physicians. This schedule indicates the recommended ages for routine administration of currently licensed childhood vaccines, as of December 1, 2007, for children aged 4 months through 18 years. Additional information is available at www.cdc.gov/vaccines/recs/schedules. Schools should consult the respective ACIP statement for detailed recommendations, including for high risk conditions: http://www.cdc.gov/vaccines/pubs/ACIP-list.htm. For additional information please visit the Missouri Immunization Program's website at www.dhss.mo.gov/Immunizations or call toll free 800-219-3224.

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AUTHORITY: sections 167.181 ***and 192.020****, RSMo Supp. [2003]* ***2007****[,] and* ***section*** *192.006 [and 192.020], RSMo 2000. This rule was previously filed as 13 CSR 50-110.010. Original rule filed April 24, 1974, effective May 4, 1974. For intervening history, please consult the* ***Code of State Regulations****. Amended: Filed Oct. 1, 2008.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions three hundred sixty-eight thousand ten dollars ($368,010) annually.

PRIVATE COST: This proposed amendment will cost private entities $1,937,956 annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Glenda Miller, Director, Division of Community and Public Health, Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC COST

I. Department Title: Missouri Department of Health and Senior Services
Division Title: Division of Community and Public Health
Chapter Title: Immunization

Rule Number and Name:	19 CSR 20-28.010 Immunization Requirements for School Children
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
MO HealthNet	**$284,371**
Local Public Health Agencies	**$83,639**

III. WORKSHEET

The annual estimates were calculated as follows:

Varicella

MO HealthNet
Administration of 18,870 doses of vaccine @ $15.07 $284,371

Local Public Health Agencies
Administration of 5,550 doses of vaccine @ $15.07 $ 83 ,639

Tetanus, Diphtheria, Pertussis (Tdap)

MO HealthNet
No new administration costs $ 0

Local Public Health Agencies
No new administration costs $ 0

Total Annual Public Entity Cost **$368,010**

IV. ASSUMPTIONS

The rule establishes the Tetanus, Diphtheria and Pertusis (Tdap) vaccine and 2nd dose of Varicella vaccine as a requirement for children to attend schools The medical standards of care, established by the Centers for Disease Control and Prevention (CDC) has been in effect since January 2006 for Tdap and October 2006 for the second dose of Varicella. Vaccines for children data is indicative of the standard being practiced by Missouri clinicians providing services to the affected populations. The data indicate the Tdap vaccine has replaced the previously required Td vaccines administered by VFC providers. The number of doses Tdap provided in 2007 exceeds the estimated number of students in the affected age cohort (79,000). The data on Varicella vaccines shipped would indicate the second dose is being provided at this time, as the number of doses shipped more than doubled in 2007. As this rule does not change the standard of care currently being practiced, it is the Department's assumption that the rule does not change actual costs currently incurred by public agencies, including the MoHealthNet program, for the administration of the vaccines.

Varicella

1. Approximately 74,000 children will enter kindergarten for the 2010-2011 school year per the Population Estimates Survey for Missouri from the Centers for Disease Control and Prevention (CDC).

2. Out of the 74,000 entering kindergarten, it is estimated 50% (37,000) will have already received two doses of varicella.

3. Of the 37,000 unvaccinated children, approximately 51% (18,870) will be immunized through the federal Vaccines for Children (VFC) program per the Vaccine Ordering Forecast Application from CDC.

4. Vaccines are available through the VFC program to children who are qualified. Vaccines will be 100% federally funded. Providers may charge up to $15.07 to administer the vaccine.

   18,870 X $15.07 = $284,371

5. Of the 37,000 unvaccinated children, private insurance will pay for approximately 34% (12,580). The remaining 15% (5,550) unvaccinated children will receive their vaccines from local public health agencies. Vaccines will be 100% federally funded. Local public health agencies may charge up to $15.07 to administer the vaccine.

   5,550 X $15.07 = $83,639

Tetanus, Diphtheria, Pertussis (Tdap)

1. Most children receive their Td/Tdap vaccination ten years after their last DT/DTaP given at 4 or 5 years of age. Approximately 160,000 children will be 14 or 15 years of age for the 2010-2011 school year per the Population Estimates Survey for Missouri from the Centers for Disease Control and Prevention (CDC).

2. Of the 160,000 unvaccinated children, approximately 51% (81,600) will be immunized through the federal Vaccines for Children (VFC) program per the Vaccine Ordering Forecast Application from CDC.

3. Vaccines are available through the VFC program to children who are qualified. Vaccines will be 100% federally funded. Providers may charge up to $15.07 to administer the vaccine; however, since Tdap is replacing an existing Td vaccine, there will be no additional cost for vaccine administration.

4. Of the 160,000 unvaccinated children, private insurance will pay for approximately 34% (54,400). The remaining 15% (24,000) unvaccinated children will receive their vaccines from local public health agencies. Vaccines will be 100% federally funded. Local public health agencies may charge up to $15.07 to administer the vaccine; however, since Tdap is replacing an existing Td vaccine, there will be no additional cost for vaccine administration.

FISCAL NOTE
PRIVATE COST

I. Department Title: Missouri Department of Health and Senior Services
Division Title: Division of Community and Public Health
Chapter Title: Immunization

Rule Number and Title:	19 CSR 20-28.010 Immunization Requirements for School Children
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate as to the cost of compliance with the rule by the affected entities:
12,580 privately insured children age 4-5 entering kindergarten, 2010-2011 school year	**Private health insurance companies**	**$975,076**
54,400 privately insured children age 14-15, 2010-2011 school year	**Private health insurance companies**	**$962,880**

III. WORKSHEET

The annual estimates were calculated as follows:

Varicella

Private Insurance
12,580 doses of vaccine @ $77.51 $ 975,076

Tetanus, Diphtheria, Pertussis (Tdap)

Private Insurance
54,400 doses of vaccine @ $17.70 $ 962,880

Total Annual Public Entity Cost **$1,937,956**

IV. ASSUMPTIONS

The rule establishes the Tetanus, Diphtheria and Pertusis (Tdap) vaccine for children age 11 to 12, and the second dose of Varicella vaccine for kindergarten students aged 59 months, as a requirement for school attendance. The medical standards of care, established by the Centers for Disease Control and Prevention (CDC) has been in effect since January 2006 for Tdap and October 2006 for the second dose of Varicella. Vaccines for children data is indicative of the standard being practiced by Missouri clinicians providing services to the affected populations. The data indicate the Tdap vaccine has replaced the previously required Td vaccines administered by VFC providers. The number of doses Tdap provided in 2007 exceeds the estimated number of students in the affected age cohort (79,000). The data on Varicella vaccines shipped would indicate the second dose is being provided at this time, as the number of doses shipped more than doubled in 2007. As this rule does not change the standard of care currently being practiced, it is the Department's assumption that the rule does not change actual costs currently incurred by health care providers, insurors, or self-pay individuals.

Varicella

1. Approximately 74,000 children will enter kindergarten for the 2010-2011 school year per the Population Estimates Survey for Missouri from the Centers for Disease Control and Prevention (CDC).

2. Out of the 74,000 entering kindergarten, it is estimated 50% (37,000) will have already received two doses of varicella.

3. Of the 37,000 unvaccinated children, approximately 51% (18,870) will be immunized through the federal Vaccines for Children (VFC) program per the Vaccine Ordering Forecast Application from CDC.

4. Of the 37,000 unvaccinated children, approximately 15% (5,550) will be immunized from local public health agencies.

5. The remaining 34% (12,580) unvaccinated children will receive their vaccines from private insurance. Private sector cost of varicella vaccine is $77.51 per dose.

   12,580 X $77.51 = $975,076

Tetanus, Diphtheria, Pertussis (Tdap)

1. Most children receive their Td/Tdap vaccination ten years after their last DT/DTaP given at 4 or 5 years of age. Approximately 160,000 children will be 14 or 15 years of age for the 2010-2011 school year per the Population Estimates Survey for Missouri from the Centers for Disease Control and Prevention (CDC).

2. Of the 160,000 unvaccinated children, approximately 51% (81,600) will be immunized through the federal Vaccines for Children (VFC) program per the Vaccine Ordering Forecast Application from CDC.

3. Of the 160,000 unvaccinated children, approximately 15% (24,000) will be immunized from local public health agencies.

4. The remaining 34% (54,400) unvaccinated children will receive their vaccines from private insurance. Since Tdap is replacing an existing Td vaccine, the additional private sector cost represents the difference between the two vaccines. Additional private sector cost of Tdap versus Td vaccine is $17.70 per dose.

   54,400 X $17.70 = $962,880

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of *[Environmental Health and Communicable Disease Prevention]* ***Community and Public Health***
Chapter 28—Immunization

PROPOSED RESCISSION

19 CSR 20-28.030 Distribution of Childhood Vaccines. This rule established uniform methods and requirements for the distribution of childhood vaccines to local public health departments, other public clinics, and private healthcare providers.

PURPOSE: This rule is being rescinded because Department of Health and Senior Services (DHSS) no longer routinely distributes vaccine directly to public or private healthcare providers. This program has been replaced by the federal entitlement Vaccines for Children 0-18 program for Medicaid, uninsured, underinsured, Native American, Alaskan Native, and Pacific Islander children and limited federal 317 funds for adults and for children who are not eligible for the vaccines for children (VFC) program.

AUTHORITY: section 192.020, RSMo 1986. Original rule filed Nov. 15, 1988, effective July 1, 1989. Emergency amendment filed June 19. 1989, effective July 1, 1989, expired Oct. 26, 1989. Amended: Filed July 18, 1989, effective Sept. 28, 1989. Rescinded: Filed Oct. 1, 2008.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Glenda Miller, Division Director, Missouri Department of Health and Senior Services, Division of Community and Public Health, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of *[Environmental Health and Communicable Disease Prevention]* ***Community and Public Health***
Chapter 28—Immunization

PROPOSED AMENDMENT

19 CSR 20-28.040 Day Care Immunization Rule. The department is amending sections (1), (2), (3), and (4). The department is adding section (5).

PURPOSE: This amendment eliminates contradictory language and clarifies the "manner and frequency" of administration of immunizations.

(1) As mandated by section 210.003, RSMo, the administrator of each public, private**,** or parochial day care center, preschool**,** or nursery school caring for ten (10) or more children shall have a record prepared showing the immunization status of every child enrolled in or attending a facility under the administrator's jurisdiction. The administrator shall also make an annual summary report to the Department of Health **and Senior Services** on form Imm.P. 32**, included herein,** no later than January 15 **of each year**. *[Immunization information is required in ten (10) categories: diphtheria, tetanus, pertussis (DTaP); polio; hepatitis B (HB); Haemophilus influenzae type b (Hib); measles, mumps, rubella (MMR); and varicella (VZV).]*

(2) No child shall enroll in or attend a public, private**,** or parochial day care center, preschool**,** or nursery school caring for ten (10) or more children unless the child has been adequately immunized according to this rule. Children attending elementary school who receive before*[,]* **or** after school care, or both, shall meet the immunization requirements established in the School Immunization Rule, 19 CSR 20-28.010. *[Preschool-age children shall be immunized against diphtheria, tetanus, pertussis, polio, hepatitis B, Haemophilus influenzae type b, measles, mumps, rubella, and varicella according to the latest Recommended Childhood Immunization Schedule—United States, approved by the Advisory Committee on Immunization Practices (ACIP). As the schedule is updated, it will be available from and distributed by the Department of Health.]* **Age-appropriate vaccine requirements will be according to the attachments listed in section (5).**

(3) Section 210.003, RSMo**,** provides that a child who has not completed all appropriate immunizations may enroll if—

(A) Satisfactory evidence is produced that the child has begun the process of immunization. The child may continue to attend as long as the immunization process is being accomplished according to the *[ACIP/]* Department of Health **and Senior Services'** recommended schedule. Failure to meet the next scheduled appointment constitutes noncompliance with the day care immunization law**,** and action shall be initiated immediately by the administrator to have the child excluded from the facility.

(B) The parent or guardian has signed and placed on file with the day care administrator a statement of exemption which may be either of the following:

1. A medical exemption, by which a child shall be exempted from the requirements of this rule upon certification by a licensed doctor of medicine or doctor of osteopathy, that either the immunization would seriously endanger the child's health or life, or the child has documentation of laboratory evidence of immunity to the disease. The Department of Health **and Senior Services'** form Imm.P. 12**, included herein,** shall be on file with the immunization record of each child with a medical exemption. The medical exemption need not be renewed annually; or

2. A parent or guardian exemption, by which a child shall be exempted from the requirements of this rule if one (1) parent or guardian files a written objection to immunization with the day care administrator. The Department of Health **and Senior Services'** form Imm.P. 11**, included herein,** shall be on file with the immunization record of each child with a parental exemption. The parental exemption form must be renewed annually.

(4) The parent or guardian shall furnish the day care administrator satisfactory evidence of completion of the required immunizations, exemption from immunization, or progress toward completing all required immunizations**.** *[against diphtheria, tetanus, pertussis, polio, hepatitis B, Haemophilus influenzae type b, measles, mumps, rubella, and varicella.]* Satisfactory evidence of immunization means a statement, certificate**,** or record from a physician or other recognized health facility stating that the required immunizations have been given to the person and verifying type of vaccine and the dates, including the month, day**,** and year of each immunization. However, if a child has had varicella (chickenpox) disease, *[the parent, the guardian,]* a licensed doctor of medicine or doctor of osteopathy may sign and place on file with the day care administrator a written statement documenting previous varicella (chickenpox) disease. The statement may contain wording such as: "This is to verify

that (name of child) had varicella (chickenpox) disease on or about (date) and does not need varicella vaccine."

(5) Immunization requirements for children attending day care facilities shall be:

(A) Missouri Day Care Immunization Requirements Vaccines Received 0–6 Years of Age, included herein; and

(B) Catch-up Immunization Schedule for Persons Aged 4 Months–6 Years Who Start Late or Who Are More Than 1 Month Behind, included herein.

MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
DISEASE CONTROL AND ENVIRONMENTAL EPIDEMIOLOGY

2007-2008 CHILD CARE/PRESCHOOL IMMUNIZATION STATUS REPORT

FOR OFFICE USE ONLY	
DATE ENTERED	VALIDATION

This report must be sent to the Missouri Department of Health and Senior Services, Disease Control and Environmental Epidemiology, P.O. Box 570, Jefferson City, MO 65102, by January 15, 2008.

As mandated by Missouri State Law, Section 210.003 RSMo, each administrator of a public, private, parochial day care center, preschool, or nursery school caring for ten (10) or more children shall have a record prepared showing the immunization status of every child enrolled in or attending a facility under his/her jurisdiction. The childcare administrator shall make this report annually to the Department of Health and Senior Services, no later than **January 15, 2008.**

Immunization information is required in ten (10) diseases: diphtheria, tetanus, pertussis (DTaP/DT); polio (OPV or IPV); hepatitis B (HB); *Haemophilus influenzae* b (Hib); measles, mumps, rubella (MMR); and varicella (VZV).

Section I.

NAME OF FACILITY	INDICATE IF NAME CHANGE ☐ YES ☐ NO	ADDRESS (STREET, CITY, STATE, ZIP)	INDICATE IF ADDRESS CHANGE ☐ YES ☐ NO
ADMINISTRATOR/OWNER	COUNTY	FACILITY E-MAIL ADDRESS	FACILITY TELEPHONE NUMBER ( )

THIS REPORT MUST BE RETURNED REGARDLESS OF THE NUMBER OF CHILDREN ENROLLED. Please check appropriate box and complete report accordingly.

- ☐ If 10 or more children (birth to school entry age) are enrolled, please complete Sections I, II, III and IV.
- ☐ If less than 10 children (birth to school entry age) are enrolled, please complete Sections I, II and IV only.

AGE GROUP	SHOULD HAVE IMMUNIZATION HISTORY OF
0 thru 2 months	1 HB
3 thru 4 months	1 DTaP/DT, 1 Polio, 1 Hib, 1 or 2 HB,
5 thru 6 months	2 DTaP/DT, 2 Polio, 1 or more Hib, 2 or 3 HB,
7 thru 18 months	3 DTaP/DT, 2 Polio, 1 or more Hib, 2 or 3 HB.
19 months to kindergarten entry	4 DTaP/DT, 3 Polio, at least 1 Hib after 12 months of age, 1 MMR, 3 HB, 1 Varicella (Chickenpox) or Disease

Section II. Section III.

PRE-SCHOOL AGE GROUPS	NUMBER ENROLLED	DTaP/DT NUMBER OF DOSES						Polio (OPV/IPV) NUMBER OF DOSES					Hib NUMBER OF DOSES					MMR NUMBER OF DOSES			Hepatitis B (HB) NUMBER OF DOSES					Varicella (VZV) NUMBER OF DOSES				Series Complete or Adequately Protected
		1	2	3	4+	Exempt Parental	Exempt Medical	1	2	3+	Exempt Parental	Exempt Medical	1	2	3+	Exempt Parental	Exempt Medical	1+	Exempt Parental	Exempt Medical	1	2	3+	Exempt Parental	Exempt Medical	1+	Disease	Exempt Parental	Exempt Medical	4 DTaP/DT, 3 Polio, 1+ Hib, 1 MMR, 3 HB, & 1 Varicella (or Chickenpox Disease)
0 thru 2 months																														
3 thru 4 months																														
5 thru 6 months																														
7 thru 18 months																														
19 months to kindergarten entry																														
TOTAL																														

Section IV.

PREPARED BY (PLEASE PRINT)	TITLE	DATE

MO 580-1339 (11-07)

IMM P.S

MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
SECTION OF VACCINE-PREVENTABLE AND
TUBERCULOSIS DISEASE ELIMINATION

MEDICAL IMMUNIZATION EXEMPTION

FOR DOCTORS OF MEDICINE OR DOCTORS OF OSTEOPATHY ONLY

REQUIRED UNDER THE STATE IMMUNIZATION LAWS (Section 167.181 and Section 210.003, RSMo) FOR SCHOOL, PRESCHOOL, DAY CARE AND NURSERY SCHOOL ATTENDANCE

THIS IS TO CERTIFY THAT	NAME OF PATIENT (PRINT OR TYPE)

SHOULD BE EXEMPTED FROM RECEIVING THE FOLLOWING CHECKED IMMUNIZATION(S) BECAUSE:

☐ The child has documented laboratory evidence of immunity to the disease. (Attach the lab slip to this form.)

☐ In my medical judgment, the immunization(s) checked would endanger the child's health or life.

☐ Diphtheria ☐ Tetanus ☐ Pertussis ☐ Td ☐ Polio ☐ Hib
☐ MMR ☐ Measles ☐ Mumps ☐ Rubella ☐ Hepatitis B ☐ Other
☐ Varicella

1. Unimmunized children have a greater risk of getting these vaccine-preventable diseases which can lead to serious complications.
2. Unimmunized children are subject to exclusion from child care facilities and school when outbreaks of vaccine-preventable diseases occur.

PHYSICIAN NAME (PRINT OR TYPE)	PHYSICIAN REGISTRATION NO.
SIGNATURE OF PHYSICIAN	DATE

MO 580-0807 (1-02) Imm.P.12

SECTION FOR COMMUNICABLE DISEASE PREVENTION

PARENT/GUARDIAN IMMUNIZATION EXEMPTION

REQUIRED UNDER THE STATE IMMUNIZATION LAWS (Section 210.003, RSMo) FOR PRESCHOOL, DAY CARE AND NURSERY SCHOOL ATTENDANCE

THIS IS TO CERTIFY THAT I, THE PARENT/GUARDIAN OF

NAME OF CHILD (PRINT OR TYPE)

DO OBJECT TO MY CHILD RECEIVING THE FOLLOWING CHECKED IMMUNIZATION(S):

☐ Diphtheria ☐ Tetanus ☐ Pertussis ☐ Polio ☐ Hib
☐ MMR ☐ Measles ☐ Mumps ☐ Rubella ☐ Hepatitis B
☐ Varicella

1. Unimmunized children have a greater risk of getting these vaccine-preventable diseases which can lead to serious complications.
2. Unimmunized children are subject to exclusion from child care facilities and school when outbreaks of vaccine-preventable diseases occur.

PARENT/GUARDIAN NAME (PRINT OR TYPE)	PARENT/GUARDIAN SIGNATURE	DATE

MO 580-0959 (6-03) Imm.P.11

Missouri Day Care Immunization Requirements
Vaccines Received 0 – 6 Years of Age

Vaccine ▼ Age ▶	Birth	1 month	2 months	4 months	6 months	12 months	15 months	18 months	19-23 months	2-3 years	4-6 years
Hepatitis B[1]	Hep B	Hep B		See footnote 1	Hep B						
Diphtheria, Tetanus, Pertussis[2]			DTaP	DTaP	DTaP	See footnote 2	DTaP				DTaP
Inactivated Poliovirus			IPV	IPV		IPV					IPV
Measles, Mumps, Rubella[3]						MMR					MMR
Varicella[4]						Varicella					Varicella
Pneumococcal[5]			PCV	PCV	PCV	PCV					
Haemophilus influenzae type b[6]			Hib	Hib	Hib[6]	Hib					

Range of recommended ages

1. **Hepatitis B vaccine (HepB).** *(Minimum age: birth)*
   At birth:
   - Administer monovalent HepB to all newborns prior to hospital discharge.
   - If mother is hepatitis B surface antigen (HBsAg)-positive, administer HepB and 0.5 mL of hepatitis B immune globulin (HBIG) within 12 hours of birth.
   - If mother's HBsAg status is unknown, administer HepB within 12 hours of birth. Determine the HBsAg status as soon as possible and if HBsAg-positive, administer HBIG (no later than age 1 week).
   - If mother is HBsAg-negative, the birth dose can be delayed, **in rare cases,** with a provider's order and **a copy of the mother's** negative HbsAg laboratory report in the infant's medical record.

   After the birth dose:
   - The HepB series should be completed with either monovalent HepB or a combination vaccine containing HepB. The second dose should be administered at age 1–2 months. The final dose should be administered 16 weeks after the first dose but no earlier than age 24 weeks of age. Infants born to HBsAg-positive mothers should be tested for HbsAg and antibody to HBsAg after completion of at least 3 doses of a licensed HepB series, at age 9–18 months (generally at the next well-child visit).

   4-month dose:
   - It is permissible to administer 4 doses of HepB when combination vaccines are administered after the birth dose. If monovalent HepB is used for doses after the birth dose, a dose at age 4 months is not needed.

2. **Diphtheria and tetanus toxoids and acellular pertussis vaccine (DTaP).** *(Minimum age: 6 weeks)*
   - The fourth dose of DTaP may be administered as early as age 12 months, provided 6 months have elapsed since the third dose.
   - Administer the final dose in the series at age 4–6 years.

3. **Measles, mumps, and rubella vaccine (MMR).** *(Minimum age: 12 months)*
   - Administer the second dose of MMR at age 4–6 years. MMR may be administered before age 4–6 years, provided 4 weeks or more have elapsed since the first dose.

4. **Varicella vaccine.** *(Minimum age: 12 months)*
   - Administer second dose at age 4–6 years; may be administered 3 months or more after first dose.
   - Don't repeat second dose if administered 28 days or more after first dose.

5. **Pneumococcal vaccine.** *(Minimum age: 6 weeks for pneumococcal conjugate vaccine [PCV])*
   - Administer one dose of PCV to all healthy children aged 24–59 months having any incomplete schedule.

6. ***Haemophilus influenzae* type b conjugate vaccine (Hib).** *(Minimum age: 6 weeks)*
   - If PRP-OMP (PedvaxHIB® or ComVax® [Merck]) is administered at ages 2 and 4 months, a dose at age 6 months is not required.
   - TriHIBit® (DTaP/Hib) combination products should not be used for primary immunization but can be used as boosters following any Hib vaccine in children age 12 months or older.

- For those children who fall behind or start late, see the catch–up schedule for the doses required and minimum intervals between doses.
- ACIP recommends that vaccine doses administered ≤4 days before the minimum interval or age be counted as valid, therefore the Missouri Department of Health and Senior Services will allow for the 4 day grace period.
- Licensed combination vaccines may be used whenever any components of the combination are indicated and other components of the vaccine are not contraindicated and if approved by the Food and Drug Administration for that dose of the series.

Missouri's School Immunization Requirements are compatible with the current recommendations of the Advisory Committee on Immunization Practices (ACIP) of the Centers for Disease Control and Prevention (CDC), the American Academy of Pediatrics, and the American Academy of Family Physicians. This schedule indicates the recommended ages for routine administration of currently licensed childhood vaccines, as of December 1, 2007, for children aged 0 through 6 years. Additional information is available at www.cdc.gov/vaccines/recs/schedules. Schools should consult the respective ACIP statement for detailed recommendations, including for high risk conditions: http://www.cdc.gov/vaccines/pubs/ACIP-list.htm. For additional information please visit the Missouri Immunization Program's website at www.dhss.mo.gov/Immunizations or call toll free 800-219-3224.

Day Care

Rev 5-13-08

Catch-up Immunization Schedule for Persons Aged 4 Months – 6 Years Who Start Late or Who Are More Than 1 Month Behind

CATCH-UP SCHEDULE FOR PERSONS AGED 4 MONTHS – 6 YEARS

Vaccine	Minimum Age for Dose 1	Minimum Interval Between Doses			
		Dose 1 to Dose 2	Dose 2 to Dose 3	Dose 3 to Dose 4	Dose 4 to Dose 5
Hepatitis B[1]	Birth	4 weeks	8 weeks (and 16 weeks after first dose but not earlier than 24 wks of age)		
Diphtheria, Tetanus, Pertussis[2]	6 wks	4 weeks	4 weeks	6 months	6 months[2]
Inactivated Poliovirus[3]	6 wks	4 weeks	4 weeks	4 weeks[3]	
Measles, Mumps, Rubella[4]	12 mos	4 weeks			
Varicella[5]	12 mos	4 weeks if first dose administered at age 13 years or older 3 months if first dose administered at younger than 13 years of age			
Pneumococcal[6]	6 wks	4 weeks if first dose administered at younger than 12 months of age 8 weeks (as final dose) if first dose administered at age 12 months or older or current age 24-59 months No further doses needed for healthy children if first dose administered at age 24 months or older	4 weeks if current age is younger than 12 months 8 weeks (as final dose) if current age is 12 months or older No further doses needed for healthy children if previous dose administered at age 24 months or older	8 weeks (as final dose) This dose only necessary for children aged 12 months – 5 years who received 3 doses before age 12 months	
Haemophilus influenzae type b[7]	6 wks	4 weeks if first dose administered at younger than 12 months of age 8 weeks (as final dose) if first dose administered at age 12-14 months No further doses needed if first dose administered at 15 months of age or older	4 weeks[7] if current age is younger than 12 months 8 weeks (as final dose)[7] if current age is 12 months or older and second dose administered at younger than 15 months of age No further doses needed if previous dose administered at age 15 months or older	8 weeks (as final dose) This dose only necessary for children aged 12 months – 5 years who received 3 doses before age 12 months	

1. **Hepatitis B vaccine (HepB).**
   - Administer the 3-dose series to those who were not previously vaccinated.
   - A 2-dose series of Recombivax HB® is licensed for children aged 11–15 years
2. **Diphtheria and tetanus toxoids and acellular pertussis vaccine (DTaP).**
   - The fifth dose is not necessary if the fourth dose was administered at age 4 years or older.
   - DTaP is not indicated for persons aged 7 years or older.
3. **Inactivated poliovirus vaccine (IPV).**
   - For children who received an all-IPV or all-oral poliovirus (OPV) series, a fourth dose is not necessary if third dose was administered at age 4 years or older.
   - If both OPV and IPV were administered as part of a series, a total of 4 doses should be administered, regardless of the child's current age.
   - IPV is not routinely recommended for persons aged 18 years and older.
4. **Measles, mumps, and rubella vaccine (MMR).**
   - The second dose of MMR is recommended routinely at age 4–6 years but may be administered earlier if desired.
   - If not previously vaccinated, administer 2 doses of MMR during any visit with 4 or more weeks between the doses.
5. **Varicella vaccine.**
   - The second dose of varicella vaccine is recommended routinely at age 4–6 years but may be administered earlier if desired.
   - Do not repeat the second dose in persons younger than 13 years of age if administered 28 or more days after the first dose.
6. **Pneumococcal conjugate vaccine (PCV).**
   - Administer one dose of PCV to all healthy children aged 24–59 months having any incomplete schedule.
   - For children with underlying medical conditions administer 2 doses of PCV at least 8 weeks apart if previously received less than 3 doses or 1 dose of PCV if previously received 3 doses.
7. ***Haemophilus influenzae* type b conjugate vaccine (Hib).**
   - Vaccine is not generally recommended for children aged 5 years or older.
   - If current age is younger than 12 months and the first 2 doses were PRP-OMP (PedvaxHIB® or ComVax® [Merck]), the third (and final) dose should be administered at age 12–15 months and at least 8 weeks after the second dose.
   - If first dose was administered at age 7–11 months, administer 2 doses separated by 4 weeks plus a booster at age 12–15 months.

- ACIP recommends that vaccine doses administered ≤4 days before the minimum interval or age be counted as valid, therefore the Missouri Department of Health and Senior Services will allow for the 4 day grace period.
- Licensed combination vaccines may be used whenever any components of the combination are indicated and other components of the vaccine are not contraindicated and if approved by the Food and Drug Administration for that dose of the series.

Missouri's School Immunization Requirements are compatible with the current recommendations of the Advisory Committee on Immunization Practices (ACIP) of the Centers for Disease Control and Prevention (CDC), the American Academy of Pediatrics, and the American Academy of Family Physicians. This schedule indicates the recommended ages for routine administration of currently licensed childhood vaccines, as of December 1, 2007, for children aged 4 months through 6 years. Additional information is available at www.cdc.gov/vaccines/recs/schedules. Schools should consult the respective ACIP statement for detailed recommendations, including for high risk conditions: http://www.cdc.gov/vaccines/pubs/ACIP-list.htm. For additional information please visit the Missouri Immunization Program's website at www.dhss.mo.gov/Immunizations or call toll free 800-219-3224.

Day Care Rev 5-13-08

AUTHORITY: sections 192.006 and 210.003, RSMo 2000. Emergency rule filed Aug. 1, 1995, effective Aug. 11, 1995, expired Dec. 8, 1995. Original rule filed April 17, 1995, effective Nov. 30, 1995. Emergency amendment filed June 14, 2000, effective June 24, 2000, expired Feb. 22, 2001. Amended: Filed June 14, 2000, effective Nov. 30, 2000. Amended: Filed Jan. 3, 2001, effective July 30, 2001. Amended: Filed Oct. 1, 2008.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions $1,112,769 annually.

PRIVATE COST: This proposed amendment will cost private entities $3,190,795 annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Glenda R. Miller, Director, Division of Community and Public Health, Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC COST

I. Department Title: Missouri Department of Health and Senior Services
Division Title: Division of Community and Public Health
Chapter Title: Immunization

Rule Number and Name:	19 CSR 20-28.040 Day Care Immunization Rule
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
MO HealthNet	**$859,894**
Local Public Health Agencies	**$252,875**

III. WORKSHEET

The annual estimates were calculated as follows:

MO HealthNet
Administration of 57,060 doses of vaccine @ $15.07 $ 859,894

Local Public Health Agencies
Administration of 16,780 doses of vaccine @ $15.07 $ 252,875

Total Annual Public Entity Cost **$1,112,769**

IV. ASSUMPTIONS

The rule establishes the pneumococcal vaccine as a requirement for children in childcare facilities with 10 or more enrollees. This medical standard of care, established by the Centers for Disease Control and Prevention (CDC) has been in effect since January of 2000. The data is indicative of the standard being practiced by Missouri clinicians providing services to the affected populations. The proposed rule is four (4) doses of the vaccine for children in these age groups in the child care facilities. The average number of doses provided through the vaccines for children program to these populations in 2007 would indicate that standard is currently being met. As this rule does not change the standard of care currently being practiced, it is the Department's assumption that the rule does not change actual costs currently incurred by public agencies, including the MoHealthNet program, for the administration of the vaccines.

1. Licensed child care providers have a capacity to care for approximately 106,350 children who are not enrolled in kindergarten or higher per the Missouri Child Care Resource and Referral Network.

2. Out of the 106,350 children in child care, 73.7% (78,380) will have already received four doses of pneumococcal vaccine per the Centers for Disease Control and Prevention's (CDC) 2007 National Immunization Survey.

3. Of the 27,970 unvaccinated children, approximately 51% (14,265) will be immunized through the federal Vaccines for Children (VFC) program per the Vaccine Ordering Forecast Application from the CDC. If each unvaccinated child receives the full four-dose series, this represents 57,060 doses of pneumococcal vaccine

4. Vaccines are available through the VFC program to children who are qualified. Vaccines will be 100% federally funded. Providers may charge up to $15.07 per dose to administer the vaccine.

   57,060 X $15.07 = $859,894

5. Of the 27,970 unvaccinated children, private insurance will pay for approximately 34% (9,510). The remaining 15% (4,195) unvaccinated children will receive their vaccines from local public health agencies. If each unvaccinated child receives the full four-dose series, this represents 16,780 doses of pneumococcal vaccine. Vaccines will be 100% federally funded. Local public health agencies may charge up to $15.07 per dose to administer the vaccine.

   16,780 X $15.07 = $252,875

FISCAL NOTE
PRIVATE COST

I. Department Title: Missouri Department of Health and Senior Services
Division Title: Division of Community and Public Health
Chapter Title: Immunization

Rule Number and Title:	19 CSR 20-28.040 Day Care Immunization Rule
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate as to the cost of compliance with the rule by the affected entities:
9,510 privately insured children in licensed child care facilities	**Private health insurance companies**	**$3,190,795**

III. WORKSHEET

The annual estimates were calculated as follows:

Private Insurance
38,040 doses of vaccine @ $83.88 $3,190,795

IV. ASSUMPTIONS

The rule establishes the pneumococcal vaccine as a requirement for children in childcare facilities with 10 or more enrollees. This medical standard of care, established by the Centers for Disease Control and Prevention (CDC) has been in effect since January of 2000. The data is indicative of the standard being practiced by Missouri clinicians providing services to the affected populations. The proposed rule is four (4) doses of the vaccine for children in these age groups in the child care facilities. The average number of doses provided through the vaccines for children program to these populations in 2007 would indicate that standard is currently being met. As this rule does not change the standard of care currently being practiced, it is the Department's assumption that the rule does not change actual costs currently incurred by health care providers, insurors, or self-pay individuals.

1. Licensed child care providers have a capacity to care for approximately 106,350 children who are not enrolled in kindergarten or higher per the Missouri Child Care Resource and Referral Network.

2. Out of the 106,350 children in child care, 73.7% (78,380) will have already received four doses of pneumococcal vaccine per the Centers for Disease Control and Prevention's (CDC) 2007 National Immunization Survey.

3. Of the 27,970 unvaccinated children, approximately 51% (14,265) will be immunized through the federal Vaccines for Children (VFC) program per the Vaccine Ordering Forecast Application from the CDC.

4. Of the 27,970 unvaccinated children, approximately 15% (4,195) will be immunized from local public health agencies.

5. The remaining 34% (9,510) unvaccinated children will receive their vaccines from private insurance. If each unvaccinated child receives the full four-dose series, this represents 38,040 doses of pneumococcal vaccine. Private sector cost of pneumococcal vaccine is $83.88 per dose.

   38,040 X $83.88 = $3,190,795

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 2—DEPARTMENT OF AGRICULTURE
Division 110—Office of the Director
Chapter 2—Missouri Qualified Biodiesel Producer Incentive Program

ORDER OF RULEMAKING

By the authority vested in the Department of Agriculture under section 142.031, RSMo Supp. 2007, the department amends a rule as follows:

2 CSR 110-2.010 Description of General Organization; Definitions; Requirements of Eligibility, Licensing, Application for Grants; Procedures for Grant Disbursements; Record Keeping Requirements, and Verification Procedures for the Missouri Qualified Biodiesel Producer Incentive Program **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2008 (33 MoReg 1333–1334). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 2—Air Quality Standards and Air Pollution Control Rules Specific to the Kansas City Metropolitan Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission rescinds a rule as follows:

10 CSR 10-2.150 Time Schedule for Compliance **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 2, 2008 (33 MoReg 1077). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Program did not receive any comments on the proposed rescission.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 4—Air Quality Standards and Air Pollution Control Regulations for the Springfield-Greene County Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission rescinds a rule as follows:

10 CSR 10-4.140 Time Schedule for Compliance **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 2, 2008 (33 MoReg 1077). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Program did not receive any comments on the proposed rescission.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission rescinds a rule as follows:

10 CSR 10-5.250 Time Schedule for Compliance **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 2, 2008 (33 MoReg 1077–1078). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Program did not receive any comments on the proposed rescission.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.110 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1231). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received a comment on the proposed amendment from one (1) source: St. Louis County Health Department.

COMMENT #1: The St. Louis County Health Department commented that the proposed threshold change in paragraph (3)(D)1. would mean a source that is allowed to use a short form for reporting can increase or decrease emissions by nine (9) tons and still use the short form. Any change in the amount of emissions or operations at the facility from the original reporting year are not recorded on the short form. For example, a source could report three (3) tons of emissions on their full Emission Inventory Questionnaire (EIQ), and then report three (3) tons on Form EZ for the next two (2) to five (5) years even though their emissions increased to twelve (12) tons. Saint Louis County reported emissions from one hundred seventy (170) sources for 2006 data. Of these, there are sixty-one (61) sources that are eligible to use a short form and each reported less than ten (10) tons of total emissions. If this change goes through, these sources could double their emissions (or more) without reporting it until the next full EIQ reporting year. Saint Louis County commented that the current twenty percent (20%) threshold is too low for these types of facilities but ten (10) tons is too high. Saint Louis County suggests five (5) tons as a more reasonable number because the short form is designed for the smaller reporting sources and should account for significant emission increases.
RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has established goals of reducing the annual emissions reporting burden and improving the quality of emissions data. This effort requires prioritization in order to make the best use of state resources. After review of the concerns expressed by the St. Louis County Health Department, the rule text was revised to reflect the five (5) ton threshold suggested by St. Louis County. The department's Air Pollution Control Program will measure how many more full Emission Inventory Questionnaires the five (5) ton threshold triggers over the next reporting period to ensure the best allocation of state resources.

10 CSR 10-6.110 Submission of Emission Data, Emission Fees and Process Information

(3) General Provisions.

(D) Emission Fees.

1. Any air contaminant source required to obtain a permit under sections 643.010–643.190, RSMo, except sources that produce charcoal from wood, shall pay an annual emission fee, regardless of their EIQ reporting frequency, of forty dollars and no cents ($40.00) per ton of regulated air pollutant emitted starting with calendar year 2007 in accordance with the conditions specified in paragraph (3)(D)2. of this rule. Sources which are required to file reports once every three (3) or six (6) years may use the information in their most recent EIQ to determine their annual emission fee if they have an EIQ on file. Sources that increase or decrease emissions by five (5) tons or more will be required to provide a complete (rather than the short form) EIQ for that year and every CERR reporting year thereafter (i.e., 2011, 2014, 2017, etc. as applicable).

2. General requirements.

A. The fee shall apply to the first four thousand (4,000) tons of each regulated air pollutant emitted. However, no air contaminant source shall be required to pay fees on total emissions of regulated air pollutants in excess of twelve thousand (12,000) tons in any calendar year. A permitted air contaminant source which emitted less than one (1) ton of all regulated pollutants shall pay a fee equal to the amount of one (1) ton.

B. The fee shall be based on the information provided in the facility's EIQ.

C. An air contaminant source which pays emissions fees to a holder of a certificate of authority issued pursuant to section 643.140, RSMo, may deduct those fees from the emission fee due under this section.

D. The fee imposed under paragraph (3)(D)1. of this rule shall not apply to ammonia, carbon monoxide, and $PM_{2.5}$ particulate matter emissions.

E. The fees for emissions produced during the previous calendar year shall be due June 1 each year for all United States Department of Labor Standard Industrial Classifications. The fees shall be payable to the Department of Natural Resources.

F. All Emissions Inventory Questionnaire forms or equivalent approved by the director shall be due annually on June 1 according to the required reporting schedules in paragraph (3)(A)6. of this rule for all United States Department of Labor Standard Industrial Classifications.

G. For the purpose of determining the amount of air contaminant emissions on which the fees are assessed, a facility shall be considered one (1) source under the definition of section 643.078.2, RSMo, except that a facility with multiple operating permits shall pay emission fees separately for air contaminants emitted under each individual permit.

3. Fee collection. Any emission fee changes to this rule do not relieve any source from the payment of emission fees for any previous year.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 2—Income Tax

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 143.961, RSMo 2000 and section 143.431, RSMo Supp. 2007, the director withdraws a proposed rule as follows:

12 CSR 10-2.740 Addition Modification for Income Tax
is withdrawn.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 15, 2008 (33 MoReg 1336–1337). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: The department is withdrawing this proposed rule at the request of the director of revenue.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 26—Federally-Qualified Health Center Services

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.153 and 208.201, RSMo Supp. 2007, the division amends a rule as follows:

13 CSR 70-26.010 MO HealthNet Program Benefits for Federally-Qualified Health Center Services **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1234–1235). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 51—Broker-Dealers, Agents, Investment Advisers, and Investment Adviser Representatives

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.6-605, RSMo Supp. 2007, the commissioner amends a rule as follows:

15 CSR 30-51.170 Dishonest or Unethical Business Practices by Broker-Dealers and Agents **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2008, (33 MoReg 910–912). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **January 1, 2009**.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 51—Broker-Dealers, Agents, Investment Advisers, and Investment Adviser Representatives

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.6-605, RSMo Supp. 2007, the commissioner amends a rule as follows:

15 CSR 30-51.172 Dishonest or Unethical Business Practices by Investment Advisers and Investment Adviser Representatives **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2008, (33 MoReg 913–914). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **January 1, 2009**.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 700—Insurance Licensing
Chapter 1—Insurance Producers

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000 and section 375.141, RSMo Supp. 2007, the department amends a rule as follows:

20 CSR 700-1.140 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 16, 2008 (33 MoReg 1167). Those sections with changes are reprinted here. This proposed amendment becomes effective **January 1, 2009**.

SUMMARY OF COMMENTS: A public hearing was held on July 21, 2008, and the comment period ended at 5:00 p.m. on July 25, 2008. At the public hearing, department staff explained the proposed amendment and made comments in support of the proposed amendment.

COMMENT #1: Dennis Fitzpatrick, on behalf of the department, suggested that Section 5.A.(2)(d)(i)–5.A.(2)(d)(iv) of the NAIC (National Association of Insurance Commissioners) "A" Committee-approved Model Regulation on the Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities be incorporated into the proposed amendment in paragraph (6)(A)4., and that the rule be more consistent with the NAIC Model, generally.
RESPONSE AND EXPLANATION OF CHANGE: The director appreciates this comment and has modified the rule to be more consistent with the NAIC "A" Committee-approved Model and made changes to section (6), paragraph (6)(A)4., and subsections (6)(B) and (6)(D) to be consistent with the model.

20 CSR 700-1.140 Minimum Standards of Competency and Trustworthiness for Insurance Producers Concerning Personal Insurance Transactions

(6) It shall be a dishonest or unethical practice in the business of insurance for an insurance producer to use a senior-specific certification or professional designation that indicates, or implies in such a way as to mislead a purchaser or prospective purchaser, that the insurance producer has special certification or training in advising or servicing seniors in connection with the solicitation, sale, or negotiation of an insurance product, or in the provision of advice as to the value of or the advisability of purchasing or selling an insurance product, either directly or indirectly through publications or writings, or by issuing or promulgating analyses or reports related to an insurance product.

(A) The prohibited use of such certifications or professional designation includes, but is not limited to, the following:

1. Use of a certification or professional designation by a person who has not actually earned or is otherwise ineligible to use such certification or designation;

2. Use of a nonexistent or self-conferred certification or professional designation;

3. Use of a certification or professional designation that indicates or implies a level of occupational qualifications obtained through education, training, or experience that the insurance producer using the certification or professional designation does not have; and

4. Use of a certification or professional designation that was obtained from a designating or certifying organization that:

A. Is primarily engaged in the business of instruction in sales or marketing;

B. Does not have reasonable standards or procedures for assuring the competency of its certificants or designees;

C. Does not have reasonable standards or procedures for monitoring and disciplining its certificants or designees for improper or unethical conduct; or

D. Does not have reasonable continuing education requirements for its certificants or designees in order to maintain the certificate or designation.

(B) There is a rebuttable presumption that a designating or certifying organization is not disqualified solely for purposes of paragraph (6)(A)4. above, when the designation or certification from the organization does not primarily apply to sales or marketing and when the organization has been accredited by:

1. The American National Standards Institute (ANSI);

2. The National Commission for Certifying Agencies; or

3. Any organization that is on the United States Department of Education's list entitled "Accrediting Agencies Recognized for Title IV Purposes."

(D) For purposes of this rule—

1. "Certification or professional designation" does not include a job title within an organization that is licensed or registered by a state or federal financial services regulatory agency, when that job title:

A. Indicates seniority or standing within the organization; or

B. Specifies an individual's area of specialization within the organization;

2. "Elderly or senior person" is a person sixty (60) years of age or older; and

3. "Federal financial services regulatory agency" includes, but is not limited to, any agency that regulates—

A. Insurers;

B. Insurance producers;

C. Broker-dealers;

D. Investment advisers; or

E. Investment companies as defined under the Investment Company Act of 1940.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 700—Insurance Licensing
Chapter 1—Insurance Producers

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000 and sections 375.141 and 375.143, RSMo Supp. 2007, the department adopts a rule as follows:

20 CSR 700-1.148 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 2, 2008 (33 MoReg 1078–1080). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on July 9, 2008, and the comment period ended at 5:00 p.m. on July 16, 2008. At the public hearing, department staff explained the proposed rule and made comments in support of the proposed rule. At the public hearing and in written comments, a representative of American Council of Life Insurers (ACLI) made comments regarding the rule and submitted written comments. A representative of Kansas City Life Insurance Company submitted written comments.

COMMENT #1: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, commented that in subsection (1)(A), the words "or selling" should be deleted. The rule should be limited to sales which are recommended by the producer. Addition of the phrase "or selling" broadens the rule beyond annuities that are recommended by producers. Producers do not "sell" annuity products; they take applications, which are thereafter approved or disapproved by the insurance company. Mr. Hoffman suggested subsection (1)(A) be revised to read as follows:

> "Each individual producer, prior to recommending any indexed or non-indexed fixed annuity contract to any person . . ."

Mr. Hoffman suggested that the title of the rule reflect this change as well.

RESPONSE: The director appreciates this comment but has not modified the rule in response.

COMMENT #2: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, commented that subparagraph (1)(B)1.A. requires establishment and maintenance of written procedures which are reasonably designed to "detect and prevent" violations of the rule. Mr. Hoffman suggested that the word "detect" be deleted from the rule, because the function of written procedures is to prevent violations, not detect them after the fact.

RESPONSE: The director appreciates this comment but has not modified the rule in response.

COMMENT #3: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, commented that, similar to his comment above, subparagraph (1)(B)1.B. be amended to delete the word "prevent." Periodic reviews of records are intended to detect violations of the rule, but they will be too late to prevent those violations.

RESPONSE: The director appreciates this comment but has not modified the rule in response. In addition to detecting violations, periodic reviews may also prevent violations because producers will anticipate future reviews.

COMMENT #4: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, commented that section 412(i) plans should be added to the list of tax qualified, employer-sponsored benefit plans that are exempt from this rule in paragraph (2)(A)2.

RESPONSE: The director appreciates this comment. The proposed exemption is not specifically listed in the NAIC Suitability in Annuity Transactions Model, and the director declines to modify the rule to specifically include the exemption.

COMMENT #5: Bryan Cox, on behalf of ACLI, commented that the fiscal note per insurer estimate is misleading. According to NAIC data, eighty-two percent (82%) of the annuity sales governed by this regulation are sold by the top twenty (20) fleets of companies. With a correlation that this roughly reflects the number of producers, those top twenty (20) insurers would be paying $22,517,856 of the total supervisory cost. Although the numbers within that top twenty (20) vary, the average would be more than one (1) million dollars per year for those companies.

RESPONSE: The fiscal note was prepared by multiplying the cost per producer and multiplying that by the number of insurers. The department did not consider market share. It is true that insurers with a larger market share and more producers will bear more of the cost of compliance than an insurer with a smaller market share and fewer producers. The director appreciates this comment but has not modified the rule or fiscal note in response.

COMMENT #6: Bryan Cox, on behalf of ACLI, suggested that supervising entities should not be required to obtain a producer license, and that such a requirement varies from the NAIC Suitability in Annuity Transactions Model Rule. Further, Mr. Cox suggested that the licensing requirement requires licensure of individuals and entities that play no role in the sale, solicitation, or negotiation of

insurance, and that such a requirement is at odds with the NAIC's model law on producer licenses which requires a license only for persons or entities engaged in sales, solicitation, or negotiation of insurance.
RESPONSE AND EXPLANATION OF CHANGE: The director appreciates this comment and has modified the rule to eliminate the licensing requirement for supervising entities. The director also modified the rule to clarify the director's authority over non-licensed supervising entities that materially aid violations of the insurance laws.

COMMENT #7: Bryan Cox, on behalf of ACLI, commented that the proposed rule is inconsistent with the supervisory duties imposed by Financial Industry Regulatory Authority (FINRA).
RESPONSE: The director appreciates this comment but has not modified the rule in response.

20 CSR 700-1.148 Reasonable Supervision in Indexed and Fixed Annuity Sales

(1) The standards of conduct codified in this rule reflect the professionalism of a licensed insurance producer. Grounds for the discipline or disqualification of producers shall include, in addition to other grounds specified in section 375.141, RSMo, failure to comply with or violation of the following professional standards of conduct:

(B) Supervisory System.

1. An insurer issuing indexed annuity contracts in this state shall assure that a system to supervise producers, which is reasonably designed to achieve compliance with rule 20 CSR 700-1.146(1)(B), is established and maintained under this rule. An insurer issuing fixed annuity contracts in this state shall assure that a system to supervise producers, which is reasonably designed to achieve compliance with rule 20 CSR 700-1.146(1)(C), is established and maintained under this rule. A supervisory system shall provide, at a minimum, for the following:

A. The establishment and maintenance of written procedures reasonably designed to detect and prevent violations of rule 20 CSR 700-1.146 and this rule; and

B. Conducting periodic reviews of records that are reasonably designed to detect and prevent violations of rule 20 CSR 700-1.146 and this rule;

2. An insurer may establish and maintain such a system directly, or may contract with a third party, including a general agent or independent agency (supervising entity), to establish and maintain a system of supervision as required by this rule;

3. An insurer, which elects to contract with a supervising entity, shall make reasonable inquiry to assure that the supervising entity is performing the supervisory functions under this rule, and shall immediately report to the director any failure to perform the functions as required by this rule;

4. An insurer may comply with its obligation to make reasonable inquiry by doing all of the following:

A. Annually obtain a certification from the supervising entity senior manager who has the responsibility for the delegated functions that the manager has a reasonable basis to represent, and does represent that the supervising entity is performing the functions as required by section (1) of this rule; and

B. Based on reasonable selection criteria, periodically select supervising entities contracting under this rule for a review to determine whether the supervising entity is performing the required functions. The insurer shall perform those procedures to conduct the review that are reasonable under the circumstances.

(C) Supervising Entity as Producer. The failure of any supervising entity contracted to establish and maintain the supervisory system required by this rule, to establish and maintain written procedures and policies reasonably designed to detect and prevent violations of rule 20 CSR 700-1.146 or this rule, shall be subject to discipline or disqualification under section 375.141, RSMo, for failure to comply with this conduct rule and for materially aiding individual producers in failing to comply with rule 20 CSR 700-1.146;

(D) Supervising Entity That is Not a Producer. The failure of any supervising entity that is not also a producer contracted to establish and maintain the supervisory system required by this rule, to establish and maintain written procedures and policies reasonably designed to detect and prevent violations of rule 20 CSR 700-1.146 or this rule, shall subject such supervising entity to an order of the director pursuant to section 374.046, RSMo, for materially aiding individual producers in failing to comply with rule 20 CSR 700-1.146 and this rule; and

(E) Record Keeping. Records required to be maintained by this rule may be maintained in paper, photographic, microprocess, magnetic, mechanical, or electronic media or by any process that accurately reproduces the document.

1. Suitability Records. An insurance producer shall maintain records of the information collected from the customer and other information used in making any recommendation of an indexed or fixed annuity for five (5) years after the insurance transaction is completed by the insurer. Pursuant to its duty to supervise, a supervising entity or insurer may perform this obligation to maintain records.

2. Supervision Records. An insurer or a supervising entity shall maintain records related to actions performed pursuant to the supervisory system as implemented under this rule for three (3) years from the date of each action performed pursuant to its system.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2065—Endowed Care Cemeteries
Chapter 1—Organization and Description

ORDER OF RULEMAKING

By the authority vested in the Endowed Care Cemeteries under sections 214.270 and 214.392.1(5), RSMo Supp. 2007, the board amends a rule as follows:

20 CSR 2065-1.030 Definitions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2008 (33 MoReg 1337). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2145—Missouri Board of Geologist Registration
Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Geologist Registration under section 256.465.2, RSMo Supp. 2007, the board amends a rule as follows:

20 CSR 2145-1.040 Fees **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2008 (33 MoReg 1337–1338). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2205—Missouri Board of Occupational Therapy
Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Occupational Therapy under sections 324.050, 324.056, 324.065, 324.068, 324.077, and 324.080, RSMo 2000, the board amends a rule as follows:

20 CSR 2205-1.010 Definitions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2008 (33 MoReg 1338). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2255—Missouri Board for Respiratory Care
Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Respiratory Care under sections 334.800, 334.840.2, 334.850, 334.910, and 334.920, RSMo 2000 and sections 334.870 and 334.880.2, RSMo Supp. 2007, the board amends a rule as follows:

20 CSR 2255-2.060 Reinstatement **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2008 (33 MoReg 1338). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2267—Office of Tattooing, Body Piercing, and Branding
Chapter 1—General Organization and Procedures

ORDER OF RULEMAKING

By the authority vested in the Office of Tattooing, Body Piercing, and Branding under section 324.522, RSMo Supp. 2007, the board amends a rule as follows:

20 CSR 2267-1.030 Tattoo, Body Piercing, and Branding Establishment—Change of Name, Ownership, or Location **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2008 (33 MoReg 1338–1339). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2267—Office of Tattooing, Body Piercing, and Branding
Chapter 2—Licensing Requirements

ORDER OF RULEMAKING

By the authority vested in the Office of Tattooing, Body Piercing, and Branding under section 324.522, RSMo Supp. 2007, the board amends a rule as follows:

20 CSR 2267-2.030 License Renewal **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2008 (33 MoReg 1339). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2267—Office of Tattooing, Body Piercing, and Branding
Chapter 5—Standards of Practice

ORDER OF RULEMAKING

By the authority vested in the Office of Tattooing, Body Piercing, and Branding under section 324.522, RSMo Supp. 2007, the board amends a rule as follows:

20 CSR 2267-5.010 Standards of Practice **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2008 (33 MoReg 1339–1340). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2267—Office of Tattooing, Body Piercing, and Branding
Chapter 5—Standards of Practice

ORDER OF RULEMAKING

By the authority vested in the Office of Tattooing, Body Piercing, and Branding under section 324.522, RSMo Supp. 2007, the board amends a rule as follows:

20 CSR 2267-5.030 Cleaning and Sterilization **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2008 (33 MoReg 1340). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 25—Motor Carrier Operations

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before November 30, 2008.

ADDRESSES: You may submit comments concerning an applicant, identified by the application number stated below, by any of the following methods:
• *Email: Kathy.Hatfield@modot.mo.gov*
• *Mail: PO Box 893, Jefferson City, MO 65102-0893*
• *Hand Delivery: 1320 Creek Trail Drive, Jefferson City, MO 65109*
• *Instructions:* All comments submitted must include the agency name and application number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection, and MoDOT may publish those comments by any available means.

COMMENTS RECEIVED BECOME MoDOT PUBLIC RECORD

• By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
• *Docket:* For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation
If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background
The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2007, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application # MP080717033

Applicant's Name & Age: Verlin W. Ford, 52
Relevant Physical Condition: Mr. Ford's best-corrected visual acuity in his left eye is 20/20 Snellen. He is blind in his right eye and has been since birth.

Relevant Driving Experience: Mr. Ford has driven approximately thirty (30) years and has driven a bucket truck approximately three (3) years in the Scott City, Missouri, area. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in August 2008, his ophthalmologist certified, "In my medical opinion, Mr. Ford's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."
Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Request for Comments
The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: September 23, 2008

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

EXPEDITED APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the expedited application listed below. A decision is tentatively scheduled for November 21, 2008. This application is available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

10/10/08

#4287 HS: Lester E. Cox Medical Centers
Springfield (Greene County)
$1,938,055, Replace magnetic resonance imager

Any person wishing to request a public hearing for the purpose of commenting on this application must submit a written request to this effect, which must be received by November 13, 2008. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
Post Office Box 570
Jefferson City, MO 65102

For additional information contact
Donna Schuessler, (573) 751-6403.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

NOTICE OF DISSOLUTION AND

WINDING UP OF LIMITED LIABILITY COMPANY

This notice is to inform whom it may concern that IS Liquidating, LLC (f/k/a Iron Solutions, LLC) has on the 5th day of September, 2008, filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Dissolution was effective on September 5, 2008.

Any claims against the Company should be forwarded to the following address:

Jack R. Selzer
Seigfreid, Bingham, Levy, Selzer & Gee, P.C.
911 Main, Suite 2800
Kansas City, Missouri 64105

The claim must include the following information: (1) the name, address and telephone number of the claimant; (2) the amount of the claim; (3) the date the claim accrued or will accrue; (4) a brief description of the nature of the debt or the basis for the claim; (5) whether the claim is secured, and if so, the collateral used as security; and (6) documentation to substantiate the claim.

You are further notified that all claims against the company shall be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this Notice.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST VINE STREET PLACE, L.L.C.

On September 5, 2008, VINE STREET PLACE, L.L.C., a Missouri limited liability company (the "Company"), filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Claims against the Company should be mailed to VINE STREET PLACE, L.L.C., Attention: Theresa Irvin, MC: NC1-002-29-01, 101 South Tryon Street, Charlotte, North Carolina 28255-0001. Claims must include the name and address of the claimant, amount of the claim, basis for the claim and documentation of the claim. A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

NOTICE OF DISSOLUTION OF LIMITED PARTNERSHIP
TO ALL CREDITORS OF AND CLAIMANTS AGAINST CASTLE LOFTS, L.P.

On September 2, 2008, CASTLE LOFTS, L.P., a Missouri limited partnership (the "Company"), filed its Certificate of Cancellation of Limited Partnership with the Missouri Secretary of State. Claims against the Company should be mailed to CASTLE LOFTS, L.P., Attention: Theresa Irvin, MC: NC1-002-29-01, 101 South Tryon Street, Charlotte, North Carolina 28255-0001. Claims must include the name and address of the claimant, amount of the claim, basis for the claim and documentation of the claim. A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

NOTICE OF DISSOLUTION OF CORPORATION TO ALL CREDITORS OF AND CLAIMANTS AGAINST PRO POOL WATERWORKS, INC., A MISSOURI CORPORATION
Pursuant to RSMo § 351.482

On September 9, 2008, Pro Pool Waterworks, Inc., a Missouri corporation filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective upon filing.

You are hereby notified that if you believe you have a claim against Pro Pool Waterworks, Inc., you must submit a summary in writing of the circumstances surrounding your claim to Leo MacDonald, Jr., Attorney at Law, 120 S. Central Ave., Suite 1800, St. Louis, Missouri 63105. The summary of your claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the event on which the claim is based occurred; the basis for the claim together with a brief description of the claim; and documentation supporting the claim.

NOTICE: ALL CLAIMS AGAINST THE CORPORATION WILL BE BARRED UNLESS THE PROCEEDINGS TO ENFORCE THE CLAIM ARE COMMENCED WITHIN TWO (2) YEARS AFTER PUBLICATION OF THIS NOTICE OR THE PUBLICATION OF ANY OTHER NOTICE REQUIRED BY LAW, WHICHEVER IS LATER.

NOTICE OF CORPORATE DISSOLUTION TO CREDITORS OF AND CLAIMANTS AGAINST UNIQUE THRIFT STORE, INC. ("UTSI")

On September 2, 2008, UTSI filed Articles of Dissolution by Voluntary Action with the Missouri Secretary of State.

All parties having claims against UTSI are requested to present them immediately in writing to Jody Peterson, Attorney, 3555 Plymouth Blvd, Ste. 117, Minneapolis, Minnesota 55447.

Each claim must include the name, address, and telephone number of claimant; amount claimed; date claim arose; basis for claim; and support for claim.

All claims will be barred unless received within two years of publication of this notice.

NOTICE OF DISSOLUTION
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
C SQUARED CONSTRUCTION, LLC

On September 23, 2008, the Notice of Winding Up for C Squared Construction, LLC, a Missouri limited liability company (the "Company"), was filed with the Missouri Secretary of State. All claims against the Company should be presented in writing and by correspondence to the following mailing address:

C Squared Construction, LLC
c/o Christopher Kalinka
5413 N. Broadway
Gladstone, MO 64118

The claim must contain: (1) the name, address and telephone number of the claimant; (2) the amount of the claim; (3) the basis for the claim; and (4) documentation of the claim. Any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

NOTICE OF DISSOLUTION OF CORPORATION
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
COMMUNITY GENERAL INSURANCE AGENCY, INC.

On September 30, 2008, Community General Insurance Agency, Inc., a Missouri corporation (hereinafter the "**Corporation**"), filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State.

Any claims against the Corporation may be sent to: John R. Cox, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Corporation will be barred unless the proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

Notice of Notice of Winding Up for Limited Liability Company

Bruning & Reagan Architects, LLC filed Notice of Winding Up with the Missouri Secretary of State on October 1, 2008. Claims against Bruning & Reagan Architects, LLC may be sent to Richard Reagan, 6809 Riley Park Drive, Fort Smith, AR 72916. Claims must include: name, address, telephone number of claimant, amount of claim, basis of claim, and documentation of claim. Claims will be barred unless proceeding to enforce claim is commenced within three years after date of this publication.

Notice of Notice of Winding Up for Limited Liability Company

Reagan Properties, LLC filed Notice of Winding Up with the Missouri Secretary of State on October 1, 2008. Claims against Reagan Properties, LLC may be sent to Richard Reagan, 6809 Riley Park Drive, Fort Smith, AR 72916. Claims must include: name, address, telephone number of claimant, amount of claim, basis of claim, and documentation of claim. Claims will be barred unless proceeding to enforce claim is commenced within three years after date of this publication.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY

TO ALL CREDITORS OF AND CLAIMANTS AGAINST

HAWKER, LLC

On September 17, 2008, Hawker, LLC, a Missouri limited liability company (hereinafter the "**Company**"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: John R. Cox, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 10-4.010	Commissioner of Administration	33 MoReg 1531	33 MoReg 1548		
1 CSR 10-15.010	Commissioner of Administration	33 MoReg 1531	33 MoReg 1548		33 MoReg 1676
1 CSR 15-1.201	Administrative Hearing Commission		33 MoReg 1391		
1 CSR 15-1.207	Administrative Hearing Commission		33 MoReg 1391		
1 CSR 15-3.320	Administrative Hearing Commission		33 MoReg 1392		
1 CSR 15-3.350	Administrative Hearing Commission		33 MoReg 1392		
1 CSR 15-3.380	Administrative Hearing Commission		33 MoReg 1394		
1 CSR 15-3.390	Administrative Hearing Commission		33 MoReg 1394		
1 CSR 15-3.431	Administrative Hearing Commission		33 MoReg 1394		
1 CSR 15-3.436	Administrative Hearing Commission		33 MoReg 1395		
1 CSR 15-3.440	Administrative Hearing Commission		33 MoReg 1395R		
1 CSR 15-3.446	Administrative Hearing Commission		33 MoReg 1396		
1 CSR 15-3.490	Administrative Hearing Commission		33 MoReg 1396		
1 CSR 20-3.070	Personnel Advisory Board and Division of Personnel		33 MoReg 1703		
1 CSR 20-4.010	Personnel Advisory Board and Division of Personnel		33 MoReg 1704		
	DEPARTMENT OF AGRICULTURE				
2 CSR 30-1.020	Animal Health		33 MoReg 1221		
2 CSR 30-10.010	Animal Health		33 MoReg 1397		
2 CSR 30-11.010	Animal Health	33 MoReg 1534	33 MoReg 1706		
2 CSR 70-11.050	Plant Industries	33 MoReg 1795			
2 CSR 70-40.005	Plant Industries		33 MoReg 1803		
2 CSR 90-10	Weight and Measures				33 MoReg 1193
2 CSR 110-2.010	Office of the Director		33 MoReg 1333	This Issue	
	DEPARTMENT OF CONSERVATION				
3 CSR 10-7.440	Conservation Commission		N.A.	33 MoReg 1752	
3 CSR 10-7.455	Conservation Commission		N.A.	33 MoReg 261	33 MoReg 276
3 CSR 10-9.442	Conservation Commission		N.A.	33 MoReg 1753	
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 85-5.010	Division of Business and Community Services		33 MoReg 1555		
4 CSR 85-5.020	Division of Business and Community Services		33 MoReg 1556		
4 CSR 85-5.030	Division of Business and Community Services		33 MoReg 1556		
4 CSR 240-18.010	Public Service Commission		33 MoReg 1133	33 MoReg 1907	
4 CSR 240-20.065	Public Service Commission		33 MoReg 1397		
4 CSR 240-31.010	Public Service Commission	33 MoReg 1651	33 MoReg 1660		
4 CSR 240-33.170	Public Service Commission		This Issue		
	DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION				
5 CSR 30-261.025	Division of Administrative and Financial Services		This Issue		
5 CSR 80-631.010	Teacher Quality and Urban Education		33 MoReg 1076R	33 MoReg 1907R	
5 CSR 80-800.285	Teacher Quality and Urban Education		33 MoReg 974	33 MoReg 1753	
	DEPARTMENT OF TRANSPORTATION				
7 CSR 10-25.010	Missouri Highways and Transportation Commission				33 MoReg 1768 33 MoReg 1825 This Issue
7 CSR 10-25.020	Missouri Highways and Transportation Commission	33 MoReg 1535	33 MoReg 1559		
	DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS				
8 CSR 10-2.020	Division of Employment Security		33 MoReg 1865		
8 CSR 10-3.010	Division of Employment Security		33 MoReg 1710		
8 CSR 10-4.200	Division of Employment Security		33 MoReg 1660		
8 CSR 10-5.010	Division of Employment Security		33 MoReg 1865		
8 CSR 10-5.015	Division of Employment Security		33 MoReg 1866		
8 CSR 10-5.030	Division of Employment Security		33 MoReg 1868		
8 CSR 10-5.040	Division of Employment Security		33 MoReg 1869		
8 CSR 10-5.050	Division of Employment Security		33 MoReg 1869		
8 CSR 30-4.010	Division of Labor Standards		33 MoReg 1710R 33 MoReg 1710		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
8 CSR 30-4.020	Division of Labor Standards		33 MoReg 1711R 33 MoReg 1711		
8 CSR 30-4.030	Division of Labor Standards		33 MoReg 1712R		
8 CSR 30-4.040	Division of Labor Standards		33 MoReg 1712		
8 CSR 30-4.060	Division of Labor Standards		33 MoReg 1712		
8 CSR 50-2.030	Division of Workers' Compensation				33 MoReg 1769
8 CSR 50-2.060	Division of Workers' Compensation				33 MoReg 1769
8 CSR 50-3.010	Division of Workers' Compensation		33 MoReg 1713		
	DEPARTMENT OF MENTAL HEALTH				
9 CSR 10-31.030	Director, Department of Mental Health	33 MoReg 1379	33 MoReg 1407		
9 CSR 30-4.0431	Certification Standards		33 MoReg 1804		
	DEPARTMENT OF NATURAL RESOURCES				
10 CSR 10-2.150	Air Conservation Commission		33 MoReg 1077R	This IssueR	
10 CSR 10-2.385	Air Conservation Commission		33 MoReg 1573		
10 CSR 10-4.140	Air Conservation Commission		33 MoReg 1077R	This IssueR	
10 CSR 10-5.250	Air Conservation Commission		33 MoReg 1077R	This IssueR	
10 CSR 10-5.290	Air Conservation Commission		33 MoReg 1805R		
10 CSR 10-5.381	Air Conservation Commission		This Issue		
10 CSR 10-5.385	Air Conservation Commission		33 MoReg 1574		
10 CSR 10-5.430	Air Conservation Commission		33 MoReg 1661R		
10 CSR 10-6.061	Air Conservation Commission		This Issue		
10 CSR 10-6.070	Air Conservation Commission		33 MoReg 908	33 MoReg 1807	
10 CSR 10-6.075	Air Conservation Commission		33 MoReg 909	33 MoReg 1807	
10 CSR 10-6.080	Air Conservation Commission		33 MoReg 910	33 MoReg 1807	
10 CSR 10-6.110	Air Conservation Commission		33 MoReg 1231	This Issue	
10 CSR 10-6.400	Air Conservation Commission		33 MoReg 1870		
10 CSR 20-6.010	Clean Water Commission		33 MoReg 1134		
10 CSR 20-6.300	Clean Water Commission		33 MoReg 1134		
10 CSR 20-7.050	Clean Water Commission	33 MoReg 1855	33 MoReg 1870		
10 CSR 23-1.050	Division of Geology and Land Survey		33 MoReg 1661		
10 CSR 23-1.060	Division of Geology and Land Survey		33 MoReg 1664		
10 CSR 23-2.010	Division of Geology and Land Survey		33 MoReg 1408		
10 CSR 60-2.015	Safe Drinking Water Commission		This Issue		
10 CSR 60-4.052	Safe Drinking Water Commission		This Issue		
10 CSR 60-4.090	Safe Drinking Water Commission		This Issue		
10 CSR 60-4.092	Safe Drinking Water Commission		This Issue		
10 CSR 60-4.094	Safe Drinking Water Commission		This Issue		
10 CSR 60-5.010	Safe Drinking Water Commission		This Issue		
10 CSR 60-7.010	Safe Drinking Water Commission		This Issue		
10 CSR 60-8.010	Safe Drinking Water Commission		This Issue		
10 CSR 60-8.030	Safe Drinking Water Commission		This Issue		
10 CSR 60-9.010	Safe Drinking Water Commission		This Issue		
10 CSR 70-5.040	Soil and Water Districts Commission		33 MoReg 1334		
10 CSR 70-8.040	Soil and Water Districts Commission		33 MoReg 1335		
10 CSR 70-9.010	Soil and Water Districts Commission		33 MoReg 1722		
10 CSR 140-2	Division of Energy				33 MoReg 1103 33 MoReg 1193
	DEPARTMENT OF PUBLIC SAFETY				
11 CSR 40-7.010	Division of Fire Safety	33 MoReg 967	33 MoReg 976	33 MoReg 1807	
11 CSR 70-2.020	Division of Alcohol and Tobacco Control		33 MoReg 1335	33 MoReg 1907	
11 CSR 75-1.010	Peace Officer Standards and Training Program		33 MoReg 1415		
11 CSR 75-2.010	Peace Officer Standards and Training Program		33 MoReg 1415		
11 CSR 75-13.010	Peace Officer Standards and Training Program		33 MoReg 1415		
11 CSR 75-13.020	Peace Officer Standards and Training Program		33 MoReg 1416		
11 CSR 75-13.030	Peace Officer Standards and Training Program		33 MoReg 1416		
11 CSR 75-13.040	Peace Officer Standards and Training Program		33 MoReg 1417		
11 CSR 75-13.050	Peace Officer Standards and Training Program		33 MoReg 1417		
11 CSR 75-13.060	Peace Officer Standards and Training Program		33 MoReg 1417		
11 CSR 75-13.070	Peace Officer Standards and Training Program		33 MoReg 1418		
11 CSR 75-13.080	Peace Officer Standards and Training Program		33 MoReg 1418		
11 CSR 75-13.090	Peace Officer Standards and Training Program		33 MoReg 1418		
11 CSR 75-13.100	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.010	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.020	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.030	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.040	Peace Officer Standards and Training Program		33 MoReg 1420		
11 CSR 75-14.050	Peace Officer Standards and Training Program		33 MoReg 1420		
11 CSR 75-14.060	Peace Officer Standards and Training Program		33 MoReg 1421		
11 CSR 75-14.070	Peace Officer Standards and Training Program		33 MoReg 1421		
11 CSR 75-14.080	Peace Officer Standards and Training Program		33 MoReg 1421		
11 CSR 75-15.010	Peace Officer Standards and Training Program		33 MoReg 1422		
11 CSR 75-15.020	Peace Officer Standards and Training Program		33 MoReg 1422		
11 CSR 75-15.030	Peace Officer Standards and Training Program		33 MoReg 1423		
11 CSR 75-15.040	Peace Officer Standards and Training Program		33 MoReg 1423		
11 CSR 75-15.050	Peace Officer Standards and Training Program		33 MoReg 1423		
11 CSR 75-15.060	Peace Officer Standards and Training Program		33 MoReg 1423		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
11 CSR 75-15.070	Peace Officer Standards and Training Program		33 MoReg 1424		
11 CSR 75-16.010	Peace Officer Standards and Training Program		33 MoReg 1424		
	DEPARTMENT OF REVENUE				
12 CSR 10-2.740	Director of Revenue		33 MoReg 1336	This IssueW	
12 CSR 10-7.170	Director of Revenue		This IssueR		
12 CSR 10-7.250	Director of Revenue		This IssueR		
12 CSR 10-7.260	Director of Revenue		This IssueR		
12 CSR 10-26.010	Director of Revenue		33 MoReg 1153	33 MoReg 1808	
12 CSR 10-26.040	Director of Revenue		33 MoReg 1157	33 MoReg 1808	
12 CSR 10-26.210	Director of Revenue		33 MoReg 1157		
12 CSR 10-26.220	Director of Revenue		33 MoReg 1424		
12 CSR 10-43.030	Director of Revenue		This Issue		
12 CSR 10-103.380	Director of Revenue		This IssueR		
	DEPARTMENT OF SOCIAL SERVICES				
13 CSR 30-4.010	Child Support Enforcement		33 MoReg 1078R	33 MoReg 1754R	
13 CSR 35-71	Children's Division *(Changed from 13 CSR 40-71)*				33 MoReg 1676
13 CSR 35-71.010	Children's Division *(Changed from 13 CSR 40-71.010)*	33 MoReg 1651	33 MoReg 1664		
13 CSR 35-71.020	Children's Division *(Changed from 13 CSR 40-71.020)*	33 MoReg 1653	33 MoReg 1665		
13 CSR 35-71.030	Children's Division *(Changed from 13 CSR 40-71.030)*	33 MoReg 1654	33 MoReg 1668		
13 CSR 35-71.040	Children's Division *(Changed from 13 CSR 40-71.040)*	33 MoReg 1655	33 MoReg 1668		
13 CSR 35-71.045	Children's Division *(Changed from 13 CSR 40-71.045)*	33 MoReg 1655	33 MoReg 1669		
13 CSR 40-2.390	Family Support Division	This Issue	This Issue		
13 CSR 40-71	Family Support Division *(Changed to 13 CSR 35-71)*				33 MoReg 1676
13 CSR 40-71.010	Family Support Division *(Changed to 13 CSR 35-71.010)*	33 MoReg 1651	33 MoReg 1664		
13 CSR 40-71.020	Family Support Division *(Changed to 13 CSR 35-71.020)*	33 MoReg 1653	33 MoReg 1665		
13 CSR 40-71.030	Family Support Division *(Changed to 13 CSR 35-71.030)*	33 MoReg 1654	33 MoReg 1668		
13 CSR 40-71.040	Family Support Division *(Changed to 13 CSR 35-71.040)*	33 MoReg 1655	33 MoReg 1668		
13 CSR 40-71.045	Family Support Division *(Changed to 13 CSR 35-71.045)*	33 MoReg 1655	33 MoReg 1669		
13 CSR 70-3.100	MO HealthNet Division		33 MoReg 1671		
13 CSR 70-3.105	MO HealthNet Division		33 MoReg 1671		
13 CSR 70-3.170	MO HealthNet Division	33 MoReg 1380	33 MoReg 785	33 MoReg 1503	
13 CSR 70-4.080	MO HealthNet Division		33 MoReg 1231	33 MoReg 1908	
13 CSR 70-4.120	MO HealthNet Division		33 MoReg 440		
13 CSR 70-6.010	MO HealthNet Division		33 MoReg 1672		
13 CSR 70-10.015	MO HealthNet Division		33 MoReg 1425		
13 CSR 70-10.016	MO HealthNet Division		33 MoReg 1429		
13 CSR 70-10.030	MO HealthNet Division	33 MoReg 1382	33 MoReg 1433		
13 CSR 70-10.080	MO HealthNet Division		33 MoReg 1442		
13 CSR 70-15.010	MO HealthNet Division	33 MoReg 1383	33 MoReg 1444		
13 CSR 70-15.110	MO HealthNet Division	33 MoReg 1384	33 MoReg 1453		
13 CSR 70-20.320	MO HealthNet Division	33 MoReg 1856	33 MoReg 1871		
13 CSR 70-25.110	MO HealthNet Division		33 MoReg 1722		
13 CSR 70-26.010	MO HealthNet Division		33 MoReg 1234	This Issue	
13 CSR 70-30.010	MO HealthNet Division		33 MoReg 1235	33 MoReg 1908	
13 CSR 70-45.010	MO HealthNet Division		33 MoReg 789	33 MoReg 1754	
13 CSR 70-94.010	MO HealthNet Division		33 MoReg 1723		
13 CSR 70-94.020	MO HealthNet Division		33 MoReg 1725		
13 CSR 70-98.015	MO HealthNet Division		33 MoReg 1235	33 MoReg 1908	
	DEPARTMENT OF CORRECTIONS				
14 CSR 80-5.010	State Board of Probation and Parole		33 MoReg 1672		
14 CSR 80-5.020	State Board of Probation and Parole		33 MoReg 1673		
	ELECTED OFFICIALS				
15 CSR 30-10.110	Secretary of State	33 MoReg 1857	33 MoReg 1874		
15 CSR 30-51.170	Secretary of State		33 MoReg 910	This Issue	
15 CSR 30-51.172	Secretary of State		33 MoReg 913	This Issue	
	RETIREMENT SYSTEMS				
16 CSR 50-2.120	The County Employees' Retirement Fund		33 MoReg 1877		
16 CSR 50-10.050	The County Employees' Retirement Fund		33 MoReg 1877		
	BOARDS OF POLICE COMMISSIONERS				
17 CSR 20-2.025	St. Louis Board of Police Commissioners		33 MoReg 1158		
17 CSR 20-2.035	St. Louis Board of Police Commissioners		33 MoReg 1158		

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17 CSR 20-2.065	St. Louis Board of Police Commissioners		33 MoReg 1159		
17 CSR 20-2.075	St. Louis Board of Police Commissioners		33 MoReg 1160		
17 CSR 20-2.085	St. Louis Board of Police Commissioners		33 MoReg 1160		
17 CSR 20-2.105	St. Louis Board of Police Commissioners		33 MoReg 1161		
17 CSR 20-2.125	St. Louis Board of Police Commissioners		33 MoReg 1162		
17 CSR 20-2.135	St. Louis Board of Police Commissioners		33 MoReg 1162		
	DEPARTMENT OF HEALTH AND SENIOR SERVICES				
19 CSR 20-28.010	Division of Community and Public Health		This Issue		
19 CSR 20-28.030	Division of Community and Public Health		This IssueR		
19 CSR 20-28.040	Division of Community and Public Health		This Issue		
19 CSR 30-40.308	Division of Regulation and Licensure		33 MoReg 1238		
19 CSR 30-40.331	Division of Regulation and Licensure		33 MoReg 1243		
19 CSR 30-40.342	Division of Regulation and Licensure		33 MoReg 1250		
19 CSR 30-40.410	Division of Regulation and Licensure		33 MoReg 1257		
19 CSR 30-40.420	Division of Regulation and Licensure		33 MoReg 1258		
19 CSR 30-40.430	Division of Regulation and Licensure		33 MoReg 1261		
19 CSR 30-40.528	Division of Regulation and Licensure		33 MoReg 1271		
19 CSR 30-82.010	Division of Regulation and Licensure		33 MoReg 790	33 MoReg 1754	
19 CSR 30-83.010	Division of Regulation and Licensure		33 MoReg 792	33 MoReg 1754	
19 CSR 30-84.020	Division of Regulation and Licensure		33 MoReg 793	33 MoReg 1756	
19 CSR 30-84.030	Division of Regulation and Licensure		33 MoReg 798	33 MoReg 1757W	
19 CSR 30-85.022	Division of Regulation and Licensure		33 MoReg 812	33 MoReg 1760W	
19 CSR 30-85.032	Division of Regulation and Licensure		33 MoReg 817	33 MoReg 1762	
19 CSR 30-86.012	Division of Regulation and Licensure		33 MoReg 819	33 MoReg 1762	
19 CSR 30-86.022	Division of Regulation and Licensure		33 MoReg 820	33 MoReg 1763W	
19 CSR 30-86.032	Division of Regulation and Licensure		33 MoReg 827	33 MoReg 1766W	
19 CSR 30-86.045	Division of Regulation and Licensure		33 MoReg 829	33 MoReg 1766	
19 CSR 30-86.047	Division of Regulation and Licensure		33 MoReg 830	33 MoReg 1766	
19 CSR 30-88.010	Division of Regulation and Licensure		33 MoReg 836	33 MoReg 1767	
19 CSR 60-50	Missouri Health Facilities Review Committee				33 MoReg 1676 33 MoReg 1826 33 MoReg 1915 This Issue
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20 CSR	Construction Claims Binding Arbitration Cap				32 MoReg 667 33 MoReg 150
20 CSR	Medical Malpractice				30 MoReg 481 31 MoReg 616 32 MoReg 545
20 CSR	Sovereign Immunity Limits				30 MoReg 108 30 MoReg 2587 31 MoReg 2019 33 MoReg 150
20 CSR	State Legal Expense Fund Cap				32 MoReg 668 33 MoReg 150
20 CSR 100-1.060	Insurer Conduct		33 MoReg 1877		
20 CSR 100-1.070	Insurer Conduct		33 MoReg 1879		
20 CSR 100-7.002	Insurer Conduct		33 MoReg 915	33 MoReg 1808	
20 CSR 100-7.005	Insurer Conduct		33 MoReg 916	33 MoReg 1810	
20 CSR 100-8.002	Insurer Conduct		33 MoReg 916	33 MoReg 1811	
20 CSR 100-8.005	Insurer Conduct		33 MoReg 917	33 MoReg 1813	
20 CSR 100-8.008	Insurer Conduct		33 MoReg 918	33 MoReg 1814	
20 CSR 100-8.012	Insurer Conduct		33 MoReg 919	33 MoReg 1815	
20 CSR 100-8.014	Insurer Conduct		33 MoReg 919	33 MoReg 1815	
20 CSR 100-8.015	Insurer Conduct		33 MoReg 920	33 MoReg 1816	
20 CSR 100-8.016	Insurer Conduct		33 MoReg 921	33 MoReg 1817	
20 CSR 100-8.017	Insurer Conduct		33 MoReg 921	33 MoReg 1818	
20 CSR 100-8.018	Insurer Conduct		33 MoReg 922	33 MoReg 1819	
20 CSR 100-8.040	Insurer Conduct	33 MoReg 1386	33 MoReg 1456		
20 CSR 200-6.100	Insurance Solvency and Company Regulation		33 MoReg 1163	33 MoReg 1821	
20 CSR 300-1.100	Market Conduct Examinations	33 MoReg 1387R	33 MoReg 1456R		
20 CSR 300-1.200	Market Conduct Examinations	33 MoReg 1387R	33 MoReg 1456R		
20 CSR 300-2.100	Market Conduct Examinations	33 MoReg 1387R	33 MoReg 1457R		
20 CSR 300-2.200	Market Conduct Examinations	33 MoReg 1388R	33 MoReg 1457R		
20 CSR 300-3.100	Market Conduct Examinations		33 MoReg 1457R		
20 CSR 400-1.010	Life, Annuities and Health		33 MoReg 1276	33 MoReg 1908	
20 CSR 400-1.050	Life, Annuities and Health		33 MoReg 1276R	33 MoReg 1908R	
20 CSR 400-1.170	Life, Annuities and Health		33 MoReg 1278	33 MoReg 1908	
20 CSR 400-1.175	Life, Annuities and Health		33 MoReg 1281	33 MoReg 1909	
20 CSR 400-7.180	Life, Annuities and Health		33 MoReg 1165		
20 CSR 600-1.030	Statistical Reporting		33 MoReg 1882		
20 CSR 700-1.140	Insurance Licensing		33 MoReg 1167	This Issue	
20 CSR 700-1.148	Insurance Licensing		33 MoReg 1078	This Issue	
20 CSR 1100-1.010	Division of Credit Unions		33 MoReg 1081	33 MoReg 1821	
20 CSR 1100-2.012	Division of Credit Unions		33 MoReg 1081	33 MoReg 1822	
20 CSR 1100-2.030	Division of Credit Unions		33 MoReg 1082	33 MoReg 1822	
20 CSR 1100-2.040	Division of Credit Unions		33 MoReg 1082	33 MoReg 1822	
20 CSR 1100-2.060	Division of Credit Unions		33 MoReg 1083	33 MoReg 1823	
20 CSR 1100-2.130	Division of Credit Unions		33 MoReg 1083	33 MoReg 1823	
20 CSR 1100-2.135	Division of Credit Unions		33 MoReg 1084	33 MoReg 1823	
20 CSR 1100-2.205	Division of Credit Unions		33 MoReg 1084	33 MoReg 1823	
20 CSR 1100-2.230	Division of Credit Unions		33 MoReg 1085	33 MoReg 1823	
20 CSR 2010-1.020	Missouri State Board of Accountancy		33 MoReg 1283	33 MoReg 1909	

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20 CSR 2015-1.020	Acupuncturist Advisory Committee		33 MoReg 1458		
20 CSR 2015-2.010	Acupuncturist Advisory Committee		33 MoReg 1458		
20 CSR 2015-2.020	Acupuncturist Advisory Committee		33 MoReg 1458		
20 CSR 2015-4.010	Acupuncturist Advisory Committee		33 MoReg 1459		
20 CSR 2030-5.080	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 1727		
20 CSR 2030-11.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 1730		
20 CSR 2030-11.025	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 1730		
20 CSR 2065-1.030	Endowed Care Cemeteries		33 MoReg 1337	This Issue	
20 CSR 2070-2.031	State Board of Chiropractic Examiners		33 MoReg 1731		
20 CSR 2070-2.080	State Board of Chiropractic Examiners		33 MoReg 1736		
20 CSR 2070-2.081	State Board of Chiropractic Examiners		33 MoReg 1741		
20 CSR 2070-2.090	State Board of Chiropractic Examiners		33 MoReg 1741		
20 CSR 2070-4.030	State Board of Chiropractic Examiners		33 MoReg 1745		
20 CSR 2145-1.040	Missouri Board of Geologist Registration		33 MoReg 1337	This Issue	
20 CSR 2150-7.137	State Board of Registration for the Healing Arts		33 MoReg 1167		
20 CSR 2150-7.300	State Board of Registration for the Healing Arts		33 MoReg 1285	33 MoReg 1909	
20 CSR 2165-1.020	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1459		
20 CSR 2165-1.030	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1464		
20 CSR 2165-2.010	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1464		
20 CSR 2165-2.020	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1465		
20 CSR 2165-2.025	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1904		
20 CSR 2165-2.050	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1465		
20 CSR 2165-2.060	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1465		
20 CSR 2165-3.010	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1466		
20 CSR 2197-1.010	Board of Therapeutic Massage		33 MoReg 1466		
20 CSR 2197-2.010	Board of Therapeutic Massage		33 MoReg 1575		
20 CSR 2197-5.040	Board of Therapeutic Massage		33 MoReg 1467		
20 CSR 2200-4.010	State Board of Nursing		33 MoReg 1467		
20 CSR 2200-4.020	State Board of Nursing		33 MoReg 1471		
20 CSR 2200-4.030	State Board of Nursing		33 MoReg 1285	33 MoReg 1909	
20 CSR 2200-4.040	State Board of Nursing		33 MoReg 1286	33 MoReg 1909	
20 CSR 2200-4.100	State Board of Nursing		33 MoReg 1474		
20 CSR 2200-4.200	State Board of Nursing		33 MoReg 1474		
20 CSR 2200-6.020	State Board of Nursing		33 MoReg 1475		
20 CSR 2200-6.060	State Board of Nursing		33 MoReg 1475		
20 CSR 2205-1.010	Missouri Board of Occupational Therapy		33 MoReg 1338	This Issue	
20 CSR 2205-1.050	Missouri Board of Occupational Therapy		33 MoReg 1579		
20 CSR 2205-5.010	Missouri Board of Occupational Therapy		33 MoReg 1582		
20 CSR 2210-2.011	State Board of Optometry		33 MoReg 1168	33 MoReg 1910	
20 CSR 2210-2.080	State Board of Optometry		33 MoReg 1085	33 MoReg 1910	
20 CSR 2220-6.040	State Board of Pharmacy	33 MoReg 1069	33 MoReg 1086	33 MoReg 1824	
20 CSR 2230-1.030	State Board of Podiatric Medicine		33 MoReg 1585		
20 CSR 2232-1.020	Missouri State Committee of Interpreters		33 MoReg 1287	33 MoReg 1910	
20 CSR 2232-2.010	Missouri State Committee of Interpreters		33 MoReg 1287	33 MoReg 1910	
20 CSR 2232-2.020	Missouri State Committee of Interpreters		33 MoReg 1287	33 MoReg 1910	
20 CSR 2232-2.030	Missouri State Committee of Interpreters		33 MoReg 1288	33 MoReg 1911	
20 CSR 2232-3.020	Missouri State Committee of Interpreters		33 MoReg 1288	33 MoReg 1911	
20 CSR 2233-1.020	State Committee of Marital and Family Therapists		33 MoReg 1476		
20 CSR 2233-3.010	State Committee of Marital and Family Therapists		33 MoReg 1476		
20 CSR 2235-1.025	State Committee of Psychologists		33 MoReg 1585		
20 CSR 2235-1.026	State Committee of Psychologists		33 MoReg 1585		
20 CSR 2235-2.005	State Committee of Psychologists		33 MoReg 1586		
20 CSR 2235-2.030	State Committee of Psychologists		33 MoReg 1586R		
20 CSR 2235-2.050	State Committee of Psychologists		33 MoReg 1586		
20 CSR 2235-3.020	State Committee of Psychologists		33 MoReg 1587		
20 CSR 2235-7.005	State Committee of Psychologists		33 MoReg 1588		
20 CSR 2235-7.010	State Committee of Psychologists		33 MoReg 1588		
20 CSR 2235-7.020	State Committee of Psychologists		33 MoReg 1589		
20 CSR 2235-7.030	State Committee of Psychologists		33 MoReg 1589		
20 CSR 2245-3.005	Real Estate Appraisers		33 MoReg 1476		
20 CSR 2255-2.060	Missouri Board for Respiratory Care		33 MoReg 1338	This Issue	
20 CSR 2267-1.030	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1339	This Issue	
20 CSR 2267-2.010	Office of Tattooing, Body Piercing, and Branding		33 MoReg 985	33 MoReg 1911	
20 CSR 2267-2.020	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1168R 33 MoReg 1169 33 MoReg 1748R 33 MoReg 1748	33 MoReg 1675W 33 MoReg 1675W	
20 CSR 2267-2.030	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1339	This Issue	
20 CSR 2267-5.010	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1339	This Issue	
20 CSR 2267-5.030	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1340	This Issue	
20 CSR 2270-1.040	Missouri Veterinary Medical Board		33 MoReg 1477		
20 CSR 2270-1.050	Missouri Veterinary Medical Board		33 MoReg 1477		
20 CSR 2270-1.060	Missouri Veterinary Medical Board		33 MoReg 1478		
20 CSR 2270-2.021	Missouri Veterinary Medical Board		33 MoReg 1590		
20 CSR 2270-2.051	Missouri Veterinary Medical Board		33 MoReg 1478		
20 CSR 2270-2.060	Missouri Veterinary Medical Board		33 MoReg 1479		

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20 CSR 2270-3.030	Missouri Veterinary Medical Board		33 MoReg 1479		
20 CSR 2270-4.050	Missouri Veterinary Medical Board		33 MoReg 1590		
20 CSR 2270-5.021	Missouri Veterinary Medical Board		33 MoReg 1480		
20 CSR 2270-5.041	Missouri Veterinary Medical Board		33 MoReg 1480		

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Office of Administration				
Commissioner of Administration				
1 CSR 10-4.010	State of Missouri Vendor Payroll Deductions	33 MoReg 1531	July 24, 2008	Dec. 31, 2008
1 CSR 10-15.010	Cafeteria Plan	33 MoReg 1531	July 24, 2008	Dec. 31, 2008
Department of Agriculture				
Animal Health				
2 CSR 30-11.010	Large Animal Veterinary Student Loan Program	33 MoReg 1534	July 24, 2008	Feb. 26, 2009
Plant Industries				
2 CSR 70-11.050	Emerald Ash Borer Intrastate Quarantine	33 MoReg 1795	Aug. 28, 2008	Feb. 26, 2009
Weights and Measures				
2 CSR 90-10.011	Inspection Authority—Duties	Next Issue	Oct. 25, 2008	April 22, 2009
2 CSR 90-10.012	Registration—Training	Next Issue	Oct. 25, 2008	April 22, 2009
Department of Economic Development				
Public Service Commission				
4 CSR 240-31.010	Definitions	33 MoReg 1651	Aug. 1, 2008	Jan. 29, 2009
Department of Transportation				
Missouri Highways and Transportation Commission				
7 CSR 10-25.020	Overdimension and Overweight Permits	33 MoReg 1535	Sept. 2, 2008	Feb. 28, 2009
Department of Mental Health				
Director, Department of Mental Health				
9 CSR 10-31.030	Intermediate Care Facility for the Mentally Retarded Federal Reimbursement Allowance	33 MoReg 1379	July 11, 2008	Dec. 28, 2008
Department of Natural Resources				
Clean Water Commission				
10 CSR 20-7.050	Methodology for Development of Impaired Waters List	33 MoReg 1855	Jan. 2, 2009	June 30, 2009
Department of Public Safety				
Division of Fire Safety				
11 CSR 40-7.010	Blasting–Licensing, Registration, Notification, Requirements, and Penalties	33 MoReg 967	July 1, 2008	Jan. 1, 2009
Department of Social Services				
Children's Division				
13 CSR 35-71.010	Definitions	33 MoReg 1651	Aug. 4, 2008	Jan. 30, 2009
13 CSR 35-71.020	Basic Residential Child Care Core Requirements (Applicable to All Agencies)–Basis for Licensure and Licensing Procedures	33 MoReg 1653	Aug. 4, 2008	Jan. 30, 2009
13 CSR 35-71.030	Hearings and Judicial Review	33 MoReg 1654	Aug. 4, 2008	Jan. 30, 2009
13 CSR 35-71.040	Organization and Administration	33 MoReg 1655	Aug. 4, 2008	Jan. 30, 2009
13 CSR 35-71.045	Personnel	33 MoReg 1655	Aug. 4, 2008	Jan. 30, 2009
Family Support Division				
13 CSR 40-2.390	Transitional Employment Benefit	This Issue	Oct. 3, 2008	March 31, 2009
MO HealthNet Division				
13 CSR 70-3.170	Medicaid Managed Care Organization Reimbursement Allowance	33 MoReg 1380	July 1, 2008	Dec. 28, 2008
13 CSR 70-10.016	Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates	Next Issue	Oct. 13, 2008	April 10, 2009
13 CSR 70-10.030	Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services	33 MoReg 1382	July 1, 2008	Dec. 28, 2008
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology	33 MoReg 1383	July 1, 2008	Dec. 28, 2008
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	33 MoReg 1384	July 1, 2008	Dec. 28, 2008
13 CSR 70-20.320	Pharmacy Reimbursement Allowance	33 MoReg 1856	Sept. 22, 2008	March 20, 2009
Elected Officials				
Secretary of State				
15 CSR 30-10.110	Voting Machines (Electronic)—Manual Recount	33 MoReg 1857	Sept. 25, 2008	March 23, 2009

Agency		Publication	Effective	Expiration
Department of Insurance, Financial Institutions and Professional Registration				
Insurer Conduct				
20 CSR 100-8.040	Insurer Record Retention	33 MoReg 1386	July 30, 2008	Feb. 26, 2009
Market Conduct Examinations				
20 CSR 300-1.100	Unfair Claims Settlement Rates	33 MoReg 1387	July 30, 2008	Feb. 26, 2009
20 CSR 300-1.200	Fraudulent or Bad Faith Conduct Rules	33 MoReg 1387	July 30, 2008	Feb. 26, 2009
20 CSR 300-2.100	File and Record Documentation for Claims	33 MoReg 1387	July 30, 2008	Feb. 26, 2009
20 CSR 300-2.200	Records Required for Purposes of Market Conduct Examinations	33 MoReg 1388	July 30, 2008	Feb. 26, 2009
State Board of Pharmacy				
20 CSR 2220-6.040	Administration by Medical Prescription Order	33 MoReg 1069	May 11, 2008	Feb. 18, 2009

Executive Orders	Subject Matter	Filed Date	Publication
	2008		
08-01	Establishes the post of Missouri Poet Laureate	January 8, 2008	33 MoReg 401
08-02	Activates the Missouri State Emergency Operations Plan in the aftermath of severe weather that began on January 7, 2008	January 11, 2008	33 MoReg 403
08-03	Activates the state militia in response to the aftermath of severe storms that began on January 7, 2008	January 11, 2008	33 MoReg 405
08-04	Transfers authority of the sexual assault evidentiary kit and exam payment program from the Department of Health and Senior Services to Department of Public Safety by Type 1 transfer	February 6, 2008	33 MoReg 619
08-05	Extends Executive Orders, 07-34, 07-36 and 07-39 through March 15, 2008 for the purpose of continuing the cleanup efforts in affected communities	February 11, 2008	33 MoReg 621
08-06	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	February 12, 2008	33 MoReg 623
08-07	Declares that a state of emergency exists in the state of Missouri.	February 12, 2008	33 MoReg 625
08-08	Gives Department of Natural Resources authority to suspend regulations in the aftermath of severe weather that began on February 10, 2008	February 20, 2008	33 MoReg 715
08-09	Establishes the Missouri Civil War Sesquicentennial Commission	March 6, 2008	33 MoReg 783
08-10	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	March 18, 2008	33 MoReg 895
08-11	Calls organized militia into active service	March 18, 2008	33 MoReg 897
08-12	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	March 21, 2008	33 MoReg 899
08-13	Expands the number of state employees allowed to participate in the Missouri Mentor Initiative	March 27, 2008	33 MoReg 901
08-14	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	April 1, 2008	33 MoReg 903
08-15	Calls organized militia into active service	April 1, 2008	33 MoReg 905
08-17	Extends the declaration of emergency contained in Executive Order 08-14 and the terms of Executive Order 08-15	April 29, 2008	33 MoReg 1071
08-18	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	May 13, 2008	33 MoReg 1131
08-19	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	June 11, 2008	33 MoReg 1329
08-20	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	June 11, 2008	33 MoReg 1331
08-21	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	June 20, 2008	33 MoReg 1389
08-22	Designates members of staff with supervisory authority over selected state agencies	July 3, 2008	33 MoReg 1543
08-23	Extends the declaration of emergency contained in Executive Order 08-21	July 11, 2008	33 MoReg 1545
08-24	Extends the declaration of emergency contained in Executive Order 08-20 and the terms of Executive Order 08-19	July 11, 2008	33 MoReg 1546
08-25	Extends the order contained in Executive Orders 08-21 and 08-23	July 28, 2008	33 MoReg 1658
08-26	Extends the order contained in Executive Orders 08-21, 08-23, and 08-25	August 29, 2008	33 MoReg 1797
08-27	Declares that Missouri will implement the Emergency Management Assistance Compact with Louisiana in evacuating disaster victims associated with Hurricane Gustav from that state to the state of Missouri	August 30, 2008	33 MoReg 1799
08-28	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	August 30, 2008	33 MoReg 1801

Executive Orders	Subject Matter	Filed Date	Publication
08-29	Transfers the Breath Alcohol Program back to the Department of Health and Senior Services from the Department of Transportation by Type I transfer	September 12, 2008	33 MoReg 1859
08-30	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	September 15, 2008	33 MoReg 1861
08-31	Declares that a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated	September 15, 2008	33 MoReg 1863
08-32	Advises that state offices will be closed on Friday, November 28, 2008	October 2, 2008	Next Issue
08-34	Establishes the Complete Count Committee to ensure an accurate count of Missouri citizens during the 2010 Census	October 21, 2008	December 1, 2008
08-35	Creates the Division of Developmental Disabilities and abolishes the Division of Mental Retardation and Developmental Disabilities within the Department of Mental Health	October 16, 2008	December 1, 2008
08-36	Orders the departments and agencies of the Executive Branch of Missouri state government to adopt a Pandemic Flu Share Leave Program	October 23, 2008	December 1, 2008

2007

07-01	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	January 2, 2007	32 MoReg 295
07-02	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	January 13, 2007	32 MoReg 298
07-03	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	January 13, 2007	32 MoReg 299
07-04	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	January 13, 2007	32 MoReg 301
07-05	Transfers the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation	January 30, 2007	32 MoReg 406
07-06	Transfers the function of collecting surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Department of Revenue	January 30, 2007	32 MoReg 408
07-07	Transfers the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety	January 30, 2007	32 MoReg 410
07-08	Extends the declaration of emergency contained in Executive Order 07-02 and the terms of Executive Order 07-04 through May 15, 2007, for continuing cleanup efforts from a severe storm that began on January 12	February 6, 2007	32 MoReg 524
07-09	Orders the Commissioner of Administration to take certain specific cost saving actions with the OA Vehicle Fleet	February 23, 2007	32 MoReg 571
07-10	Reorganizes the Governor's Advisory Council on Physical Fitness and Health and relocates it to the Department of Health and Senior Services	February 23, 2007	32 MoReg 573
07-11	Designates members of staff with supervisory authority over selected state agencies	February 23, 2007	32 MoReg 576
07-12	Orders agencies to support measures that promote transparency in health care	March 2, 2007	32 MoReg 625
07-13	Orders agencies to audit contractors to ensure that they employ people who are eligible to work in the United States, and requires future contracts to contain language allowing the state to cancel the contract if the contractor has knowingly employed individuals who are not eligible to work in the United States	March 6, 2007	32 MoReg 627
07-14	Creates and establishes the Missouri Mentor Initiative, under which up to 200 full-time employees of the state of Missouri are eligible for one hour per week of paid approved work to mentor in Missouri public primary and secondary schools up to 40 hours annually	April 11, 2007	32 MoReg 757
07-15	Gov. Matt Blunt increases the membership of the Mental Health Transformation Working Group from eighteen to twenty-four members	April 23, 2007	32 MoReg 839
07-16	Creates and establishes the Governor's "Crime Laboratory Review Commission" within the Department of Public Safety	June 7, 2007	32 MoReg 1090

Executive Orders	Subject Matter	Filed Date	Publication
07-17	Gov. Matt Blunt activates portions of the Missouri National Guard in response to severe storms and potential flooding	May 7, 2007	32 MoReg 963
07-18	Gov. Matt Blunt declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated in response to severe storms that began May 5	May 7, 2007	32 MoReg 965
07-19	Gov. Matt Blunt authorizes the departments and agencies of the Executive Branch of Missouri state government to adopt a program by which employees may donate a portion of their annual leave benefits to other employees who have experienced personal loss due to the 2007 flood or who have volunteered in a flood relief	May 7, 2007	32 MoReg 967
07-20	Gov. Matt Blunt gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of a flood emergency	May 7, 2007	32 MoReg 969
07-21	Orders agencies to evaluate the performance of all employees pursuant to the procedures of the Division of Personnel within the Office of Administration and that those evaluations be recorded in the Productivity, Excellence and Results for Missouri (PERforM) State Employee Online Appraisal System	July 11, 2007	32 MoReg 1389
07-22	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on June 4, 2007	July 3, 2007	32 MoReg 1391
07-23	Activates the state militia in response to the aftermath of severe storms that began on June 4, 2007	July 3, 2007	32 MoReg 1393
07-24	Orders the Commissioner of Administration to establish the Missouri Accountability Portal as a free Internet-based tool allowing citizens to view the financial transactions related to the purchase of goods and services and the distribution of funds for state programs	July 11, 2007	32 MoReg 1394
07-25	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operations Plan be activated	August 24, 2007	32 MoReg 1902
07-26	Creates a Director/Administrator level multi-agency task force to address the concerns associated with feral hogs	August 30, 2007	32 MoReg 1904
07-27	Declares a drought alert for the counties of Bolinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Stoddard, Washington, and Wayne	September 7, 2007	32 MoReg 2035
07-28	The Executive Order denoted 05-16 is hereby rescinded	September 10, 2007	32 MoReg 2037
07-29	Amends the membership and the duties of the Governor's Advisory Council on Aging	September 17, 2007	32 MoReg 2038
07-30	Lists members of staff having supervisory authority over departments, divisions or agencies	September 13, 2007	32 MoReg 2041
07-31	Creates the Rural High-Speed Internet Access Task Force to deal with the lack of high-speed Internet access in rural Missouri communities	October 10, 2007	32 MoReg 2217
07-32	Declares that state offices will be closed on Friday, November 23, 2007	October 23, 2007	32 MoReg 2339
07 33	Declares that state offices will be closed on Monday December 24, 2007	December 4, 2007	33 MoReg 185
07-34	Declares a state of emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on December 8, 2007	December 9, 2007	33 MoReg 186
07-35	Activates the state militia in response to the aftermath of severe storms that began on December 8, 2007	December 9, 2007	33 MoReg 188
07-36	Gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of severe weather that began on December 8, 2007	December 10, 2007	33 MoReg 190
Emergency Declaration	Declares an emergency concerning damage to and danger of the Jefferson Street Overpass, also known as State Bridge No. A1308, in Jefferson City and directs the Emergency Declaration to continue until the overpass has been removed and replaced	December 10, 2007	33 MoReg 192
07-37	Designates members of staff with supervisory authority over selected state agencies	December 26, 2007	33 MoReg 317
07-38	Extends Executive Order 07-01 through January 1, 2009	December 29, 2007	33 MoReg 319
07-39	Extends Executive Orders 07-34 and 07-36 through February 15, 2008	December 28, 2007	33 MoReg 321

The rule number and the MoReg publication date follow each entry to this index.

RULEMAKING 1-2-3

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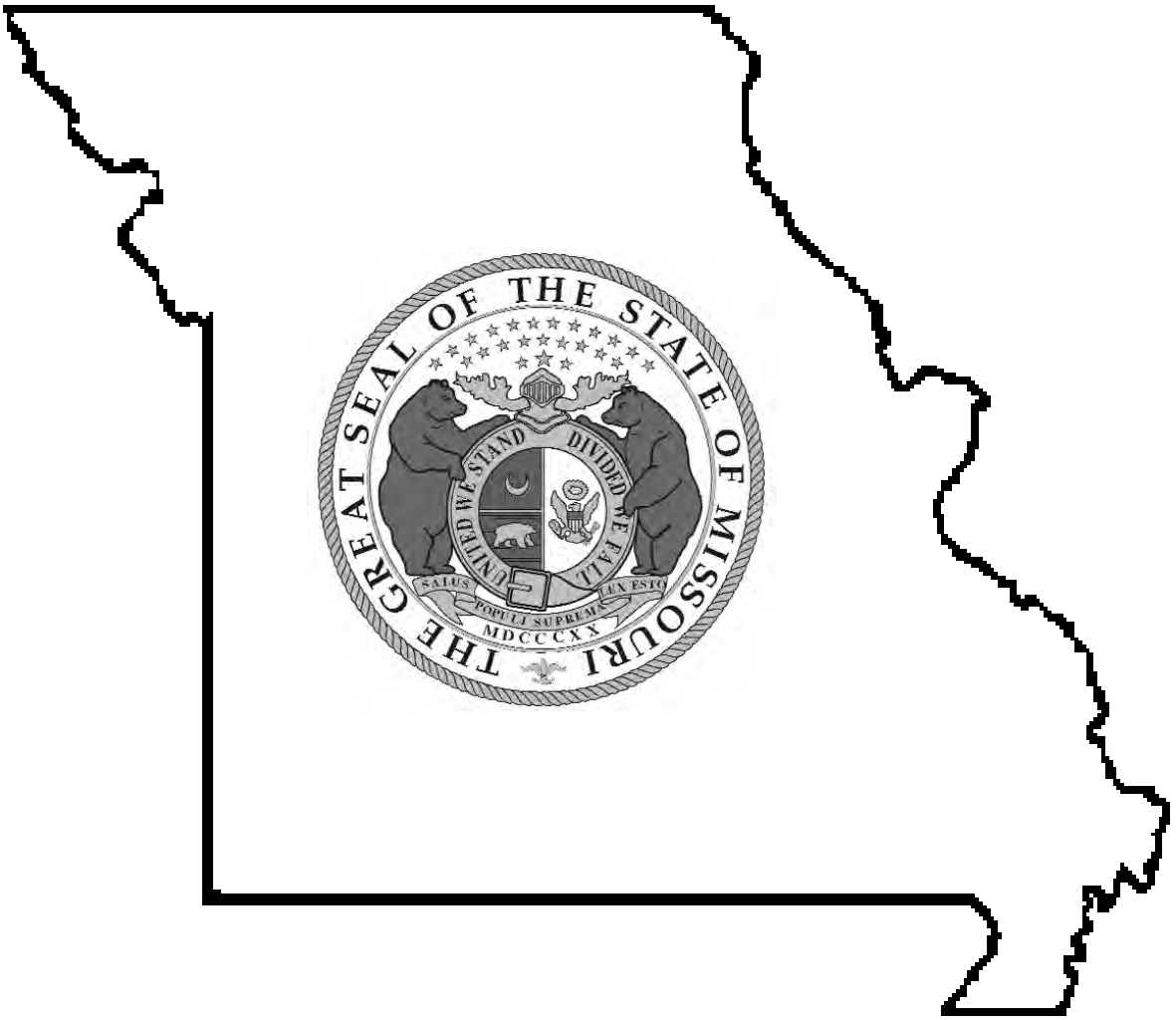

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- Transmittal Sheet;
- Cover letters for JCAR and SOS;
- Affidavit of public cost;
- Rule text;
- Fiscal notes; and
- Forms (if included herein).

In addition to the original packet, SOS needs a copy of the complete packet arranged in the same order as the original documents. For emergency rule(s), a second copy of the packet is required.

Having documents in the correct order will assist with data entry and speed up the issuance of receipt(s).

Office of the Secretary of State

ROBIN CARNAHAN

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